

Superannuation (Amendment) Act 1965

1965 CHAPTER 10

An Act to amend the law relating to the superannuation and other benefits payable to or in respect of civil servants, including members of Her Majesty's diplomatic service, and to provide for certain other matters connected with the establishment of that service, to amend the law relating to such benefits payable to or in respect of persons employed in more than one public office, to amend the provisions of the Administration of Justice (Pensions) Act 1950 relating to pensions payable for children, and to authorise the winding up of the National Insurance (Existing Pensioners) Fund.

[29th March 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:—

Her Majesty's diplomatic service

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

1.—(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 upon 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 legal 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 of the State 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 of the State,

1949 c. 44. (*c*) the provisions of section 42(2) of the Superannuation Act 1949 (treating a year of actual service as one and a half years for pension purposes) and of section 2 1946 c. 60. of the Superannuation Act 1946 (treating length of service as eight-fifths of the actual length) shall be disregarded, and

(*d*) subject to paragraph (*a*) above, 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.

(4) Section 63 of the Superannuation Act 1949 shall apply for the interpretation of this section.

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

2.—(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,

and the power of making rules under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Section 63 of the Superannuation Act 1949 shall apply for the interpretation of this section. 1949 c. 44.

Superannuation benefits on termination of service in diplomatic service before retiring age. 1943 c. 35.

3.—(1) Section 2 of the Foreign Service Act 1943 (under which superannuation benefits may be payable to a member of the foreign service of a grade not lower than second secretary whose employment is terminated before retiring age) shall be amended as follows.

(2) In subsection (1)(*a*) for the words "foreign service of a member thereof of a grade not lower than that of second secretary" there shall be substituted the words "diplomatic service of a member thereof".

(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 the said section 2 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 legal 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) If no special increase in respect of an additional allowance is payable to a member of the diplomatic service under subsection (2) of the said section 2 because that member is not eligible for an additional allowance, section 1(2)(*b*) of the Foreign Service Act 1960 (which provides that the special increase payable under that subsection in respect of a superannuation 1960 c. 11.

allowance shall not exceed one-twelfth of the salary and emoluments on which the allowance is computed or such sum as may be required to make that allowance equal to three-twelfths of the said salary and emoluments, whichever is the higher) shall have effect, in relation to that member, 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 ".

(6) This section shall have effect as respects termination of employment in 1965 or any later year.

Other provisions relating to diplomatic service.

4.—(1) The Acts mentioned in Schedule 1 to this Act shall have effect subject to the amendments there specified, being amendments consequent on the establishment of Her Majesty's diplomatic service.

(2) The Treasury may by order make such amendments of any enactment passed before this Act which refers to Her Majesty's foreign service, or to an office, rank or grade in the civil service, as appear to the Treasury to be expedient having regard to the establishment of Her Majesty's diplomatic service, or to any reorganisation of the grades of that service.

An order made under this section—

(*a*) may be made so as to have effect as from a date before the making of the order, but not earlier than 1st January 1965, and

(*b*) may be varied or revoked by a subsequent order so made, and

(*c*) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The following provisions, which become unnecessary on the establishment of Her Majesty's diplomatic service, shall cease to have effect, that is the Superannuation (Diplomatic Service) Act 1929, except section 1(*d*) (and section 3 as it relates to that paragraph).

1929 c. 11.

(4) If there is any re-organisation of the grades of Her Majesty's diplomatic service, the Secretary of State may by order contained in a statutory instrument make such modifications of references in the foregoing provisions of this Act to those grades (including the references in section 2 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.

(5) If any question arises under section 2 or section 3 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.

(6) Sections 1 to 3 of this Act and this section shall have effect as from 1st January 1965.

Miscellaneous amendments

Miscellaneous amendments. 1948 c. 33. 1924 c. 17. 1925 c. 49. 1934 c. 53. 1950 c. 11 (14 & 15 Geo. 6.).

5. The Superannuation Acts, the Superannuation (Miscellaneous Provisions) Act 1948, the County Courts Act 1924, the Supreme Court of Judicature (Consolidation) Act 1925, the County Courts Act 1934 and the Administration of Justice (Pensions) Act 1950 shall be amended in manner provided by Schedule 2 to this Act.

Employment in more than one public office

Power to make rules.

6.—(1) The Treasury may make rules with respect to the superannuation benefits payable to and 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 the Superannuation Acts 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 the Superannuation Acts, 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 the Superannuation Acts are 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 the Superannuation Acts) 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 the Superannuation Acts 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, or before the date of the coming into force of this section:

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.

(7) Rules under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

1914 c. 86. 1949 c. 44. (8) In section 4(2) of the Superannuation Act 1914 (approved employment) and section 54(1) of the Superannuation Act 1949 (application of the Act to civil servants who have also served in other capacities) the expression "public office" has the same meaning as in this section, and in the said section 54(1) the reference to the said Act of 1949 includes a reference to section 2 1935 c. 23. of the Superannuation Act 1935 (allocation of part of pension).

1887 c. 13. 1892 c. 40. (9) The Pensions (Colonial Service) Act 1887 and the Superannuation Act 1892 (which are superseded by this section) shall, as they form part of the law of the United Kingdom and of the Isle of Man, cease to have effect.

Meaning of "public office" and supplementary provisions.

7.—(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 of the State (whether or not in an established capacity).

2. Employment in any other capacity remunerated out of money 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 money 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). 1958 c. 14.

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.
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, and

(iii) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The last foregoing section and this section shall have effect subject to the transitional provisions in Schedule 3 to this Act.

1920 c. 67.

(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 money 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.

Supplemental

Financial provisions.

8.—(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 money provided by Parliament—

(*a*) any sums to be so paid under provisions of this Act relating to Her Majesty's diplomatic service or relating to public offices, and

(*b*) any increase attributable to this Act in the sums to be so paid under any other Act.

(3) There shall be paid into the Exchequer any sums falling to be so paid in consequence of the provisions of this Act.

Citation, interpretation, repeals and commencement.

9.—(1) This Act may be cited as the Superannuation (Amendment) Act 1965 and the Superannuation Acts 1834 to 1960 and this Act may be cited together as the Superannuation Acts 1834 to 1965.

(2) This Act shall be construed as one with the Superannuation Acts.

(3) In this Act "the Superannuation Acts" means the Superannuation Acts 1834 to 1960 and any Act amending those Acts.

(4) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

(5) The Acts mentioned in Schedule 4 to this Act (which include certain provisions which are obsolete or spent) shall be repealed to the extent specified in the third column of that Schedule, but subject to any provision in relation thereto made at the end of any Part of that Schedule, and without prejudice to any pension or allowance which has been granted before the repeal takes effect.

(6) Save as otherwise expressly provided, this Act shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

SCHEDULES

Section 4.

SCHEDULE 1

MODIFICATIONS OF ENACTMENTS FOLLOWING ESTABLISHMENT OF HER MAJESTY'S DIPLOMATIC SERVICE

The Government of Ireland Act 1920 (10 & 11 Geo. 5. c. 67).	In Schedule 6, item (iii) of paragraph III(*b*), as originally enacted, for the words "the Foreign Office and diplomatic and consular services" there shall be substituted the words "Her Majesty's diplomatic service".
The Foreign Service Act 1943 (6 & 7 Geo. 6. c. 35).	In section 4, as respects periods after the beginning of 1965, for references to Her Majesty's foreign service there shall be substituted references to Her Majesty's diplomatic service.
The Superannuation Act 1949 (12, 13 & 14 Geo. 6. c. 44).	As respects periods after the beginning of 1965, for section 34(4) there shall be substituted the following subsection— "(4) Subsection (1) of this section 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."
The House of Commons Disqualification Act 1957 (5 & 6 Eliz. 2. c. 20).	In section 1(3) for the words "Her Majesty's Foreign Service" there shall be substituted the words "Her Majesty's Diplomatic Service".

Section 5.

SCHEDULE 2

AMENDMENTS OF SUPERANNUATION ACTS AND OF OTHER PENSION ACTS

Civil servants excluded from section 4 of Superannuation Act, 1935 (averaging of salary)

1834 c. 24.
1935 c. 23.

1. It is hereby declared that in section 28 of the Superannuation Act 1834 (which only applies to civil servants excluded from section 4 of the Superannuation Act 1935 and which relates to civil servants whose emoluments include any fees or other sources of profit) the reference to an average sum is a reference to an average sum in respect of that part only of the emoluments which consists of such fees or other sources of profit and, accordingly, that that section

of the Act of 1834 does not affect the amount of any superannuation allowance or other sum so far as it depends on the amount of the remainder of the emoluments. SCH. 2

Retiring allowance under section 2 of Superannuation Act 1887

2. A person to whom an allowance is granted under section 2 of the Superannuation Act 1887 (which relates to persons removed for inefficiency) may also be granted the same allowance under section 1(2) of the Superannuation Act 1909 (lump sum payment), if any, as might have been granted to him if he had retired upon a medical certificate. 1887 c. 67. 1909 c. 10.

This paragraph shall be deemed always to have had effect.

Distribution of money without representation

3.—(1) In section 8 of the Superannuation Act 1887 (distribution of money not exceeding £100 without representation) for the words "one hundred pounds" there shall be substituted the words "five hundred pounds".

(2) The said section 8 shall apply to any sum not exceeding five hundred pounds payable to the personal representatives of a deceased person under the Superannuation Acts as it applies to such a sum due from a public 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 section.

(3) Nothing in this paragraph 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). 1894 c. 30.

Approved employment

4. In section 4(1) of the Superannuation Act 1914 the reference to any superannuation allowance, additional allowance or gratuity to which a person would have been entitled if he had continued to be employed as a civil servant shall be construed on the assumption that that person, in continuing to be employed as a civil servant, was employed in the United Kingdom. 1914 c. 86.

Allocation of part of pension

5.—(1) Section 2 of the Superannuation Act 1935 (allocation of part of pension) shall have effect subject to the following amendments (which bring within that section cases where a civil servant's employment ends otherwise than on his retirement and certain other cases). 1935 c. 23.

(2) For paragraphs (*a*) and (*b*) of subsection (1) (which define the civil servants to whom the section applies) there shall be substituted the words "to whom any annual superannuation, compensation or retiring allowance is granted under the Superannuation Acts otherwise than on retirement (from the civil service or other employment) on the ground of ill health."

SCH. 2

(3) In the said subsection (1) for the words " shall be allowed to surrender, as from the date of his retirement " there shall be substituted the words—

" shall be allowed to surrender, as from the beginning of the period in respect of which the allowance is paid.",

and the reference in subsection (2)(*b*) to the time of retirement shall be construed as a reference to the beginning of that period, except that as applied by section 33(3) of the Superannuation Act 1949 it shall continue to be construed as a reference to the date of the marriage referred to in that section.

1949 c. 44.

(4) Rules under the said section 2 may define classes of persons for the purposes of the section by reference to the age which they have attained at a specified date.

(5) For the purposes of the references in sub-paragraph (3) of this paragraph to the beginning of the period in respect of which an allowance is paid, any suspension of a pension under section 20 of the Superannuation Act 1834 (re-employment of persons in receipt of pensions) shall be disregarded.

1834 c. 24.

(6) This paragraph shall apply in relation to allowances granted before or after the coming into force of this Schedule and, in relation to allowances granted before the coming into force of this Schedule, rules under the said section 2 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.

Minimum age for " added years "

1946 c. 60.

6. In section 2(2) of the Superannuation Act 1946 (under which a person becoming a civil servant after the age of thirty-five may be treated as if the length of his service were eight-fifths of its actual length, but subject to service before attaining the age of forty being disregarded) for the word " thirty-five " there shall be substituted the word " thirty ".

Civil servants subject to F.S.S.U. and other pensions schemes

7.—(1) The Treasury may make regulations under which service which would have been taken into account for the purposes of any provisions of the Superannuation Acts but for section 5(2) of the Superannuation Act 1946 (which excludes from the Superannuation Acts service in respect of which Exchequer payments have been made to the Federated Superannuation System for Universities and other pension schemes) may be taken into account for the purpose of the provisions of the Superannuation Acts with respect to the minimum periods of service which qualify persons for the benefit of those Acts.

(2) Regulations under this paragraph 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 section 5(2) or any other of the provisions of the Superannuation Acts.

(3) Regulations under this paragraph may apply to service before the coming into force of this Schedule, or before the making of the regulations, as well as to service for later periods.

(4) Regulations under this paragraph shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament. SCH. 2

Reckoning of service of former teachers

8. In section 6(2) of the Superannuation Act 1946 (which provides that, in the case of a civil servant who was formerly a teacher, certain service as a teacher shall be treated as if it were service as a civil servant)— 1946 c. 60.

(*a*) for paragraph (*b*) there shall be substituted the following paragraph—

"(*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"; 1946 c. 72. 1956 c. 75. 1962 c. 47.

(*b*) in paragraph (*c*), for the words "the Scottish Teachers Scheme" there shall be substituted the words "the Scottish Regulations";

(*c*) in the proviso—

(i) for the words "subsection (2) of Article 14 of the Scottish Teachers Scheme" there shall be substituted the words "the Scottish Regulations";

(ii) for the words "be cancelled in the record of service maintained under the Scottish Teachers Scheme" there shall be substituted the words "or in reckoning periods of first class service under the Scottish Regulations".

Transfer of married women from established to unestablished service

9. It is hereby declared that in paragraph 5 of Schedule 2 to the Superannuation Act 1946 (transfer of married women from established service to other service)—

(*a*) the reference to employment in a capacity in respect of which a superannuation allowance cannot be granted under the Superannuation Acts is a reference to employment in an unestablished capacity as defined in section 3(4) of the Superannuation Act 1935, and 1935 c. 23.

(*b*) the reference to section 4 of the Superannuation Act 1887 includes, by virtue of section 38(1) of the Interpretation Act 1889 (effect of repeal and re-enactment) a reference to subsections (1) and (2) of section 39 of the Superannuation Act 1949. 1887 c. 67. 1889 c. 63. 1949 c. 44.

Reckoning of compulsory national service

10. In section 1(2) of the Superannuation (Miscellaneous Provisions) Act 1948 (reckoning of compulsory national service of persons entering civil service by competitive examinations) and in rule 4(1) of the Superannuation (Treatment of Compulsory 1948 c. 33.

SCH. 2 National Service of Civil Servants) Rules 1949 (made under the
S.I. 1949/517. said section 1(2)) the words " or any subsequent examination for persons desiring to obtain similar posts " shall not apply to any examinations held after the coming into force of this Schedule.

The National Insurance (Existing Pensioners) Fund

1948 c. 33. 11. Rules under section 3 of the Superannuation (Miscellaneous Provisions) Act 1948 (former employees of Approved Societies, etc. becoming civil servants) may make provision for the winding up of the National Insurance (Existing Pensioners) Fund established by Schedule 4 to the National Insurance and Civil Service (Super-
S.I. 1948/2434. annuation) Rules 1948 (which were made under the said section 3), for paying the sums representing the assets of the Fund into the Exchequer and for requiring the payment out of money provided by Parliament of sums to meet the liabilities of the Fund.

Pensions for adopted children

12.—(1) If the Treasury are satisfied that a person (in this sub-paragraph referred to as " the child ") falling within section 4(3)(*b*)
1949 c. 44. of the Superannuation Act 1949 (which makes a civil servant's adopted children ineligible for a pension if adopted after the termination of the civil servant's last marriage, or after he ceased to be a civil servant) was before the termination of the marriage or, as the case may be, before the civil servant ceased to be a civil servant, wholly or mainly dependent on the civil servant and that the civil servant had already formed the intention of adopting the child, the Treasury may direct that the said section 4(3)(*b*) shall not apply to the child.

(2) If the Treasury are satisfied that a person (in this sub-paragraph referred to as " the child ") falling within section 4(3)(*c*) of the said Act (which makes an adopted child of the wife of a civil servant ineligible for a pension if adopted after the termination of the marriage or after the husband ceased to be a civil servant) was before the termination of the marriage or, as the case may be, before the husband ceased to be a civil servant, wholly or mainly dependent on the husband, that the wife and husband had together formed the intention of adopting the child, and that, but for the husband's death, the husband would have adopted the child, the Treasury may direct that the said section 4(3)(*c*) shall not apply to the child.

(3) If the Treasury are satisfied that a person (in this sub-paragraph referred to as " the child ") excluded from section 3(1)(ii)
1950 c. 11. of the Administration of Justice (Pensions) Act 1950 because
(14 & 15 Geo. 6.) adopted after the termination of the marriage, or falling within section 5(3) of that Act (which makes an adopted child ineligible for a pension if adopted after the end of the relevant service), was before the termination of the marriage or, as the case may be, before the end of the relevant service, wholly or mainly dependent on the deceased person, and that the deceased person had before the termination of the marriage or, as the case may be, of the relevant service, formed the intention of adopting the child, the Treasury may direct that the said exclusion in section 3(1)(ii) of the Act of 1950,

or as the case may be the said section 5(3) of that Act, shall not apply to the child. SCH. 2

(4) A direction may be given under this paragraph by reference to an event before the date of the coming into force of this Schedule, but not so as to authorise the payment, or increase, of an instalment of a pension in respect of a period falling before that date.

(5) Sub-paragraphs (1) and (2) of this paragraph shall have effect as if contained in Part I of the Superannuation Act 1949. 1949 c. 44.

Application of Part I of 1949 *Act to existing civil servants*

13. It is hereby declared that in section 10(4)(*b*) of the Superannuation Act 1949 (application of Part I to persons in unestablished service at passing of the Act) the reference to service is a reference to service in the employment described in paragraph (*a*) of that sub-paragraph, that is employment in an unestablished capacity or part-time service.

Application of Superannuation Acts to persons adopting Part I of Superannuation Act 1949

14. In section 14(3) of the Superannuation Act 1949 (which applies section 4 of the Superannuation Act 1935 to every person who duly elects that Part I of the said Act of 1949 shall apply to him) for the words " who duly elects that this Part of this Act shall apply to him " there shall be substituted the words " to whom this Part of this Act becomes applicable ", and the amendment made by this paragraph shall be deemed always to have had effect. 1935 c. 23.

Pension on retirement on ill-health with less than 20 *years' service*

15.—(1) At the end of section 32(2) of the Superannuation Act 1949 (retirement for ill-health with less than 20 years' service: adjustment for late entrants and others) there shall be added the following proviso:—

> " 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."

(2) This paragraph shall apply as respects any retirement within the said section 32(4)(*a*), and any death within the said section 32(4)(*b*), taking place after the coming into force of this Schedule.

Superannuation benefit in certain cases of premature retirement

16. In the proviso to section 34(2) of the Superannuation Act 1949 (which refers to what would have been the retiring age for a civil servant if he had continued in the employment in which

SCH. 2. he was when he was last a civil servant) the reference to that retiring age shall be construed on the assumption that in continuing in that employment he would have been employed in the United Kingdom.

Unestablished employment after retirement from civil service

17.—(1) If a person ceases to be a civil servant and immediately re-enters the civil service of the State 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 35(3) of the Superannuation Act 1949) 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,

1949 c. 44.

the said odd part of a year shall be taken into account for the purposes of section 36 of that Act (additions to pensions in cases of unestablished employment after retirement) as if it were part of the service in an unestablished capacity.

(2) The cases to which this paragraph applies include cases where the person ceased to be a civil servant before the date of the coming into force of this Schedule if he continued to serve, without any interval, in an unestablished capacity in the civil service of the State until that date.

(3) This paragraph shall be construed as one with Part III of the Superannuation Act 1949.

18. In proviso (ii) to section 36(1) of the Superannuation Act 1949 (which refers to what would have been the retiring age for a civil servant if he had continued in the employment in which he was when he was last a civil servant) the reference to that retiring age shall be construed on the assumption that in continuing in that employment he would have been employed in the United Kingdom.

Part-time service

19.—(1) Subject to sub-paragraphs (5) and (6) of this paragraph, its provisions shall have effect in substitution for subsections (3) and (4) of section 40 of the Superannuation Act 1949 (part-time service).

(2) Subsections (1) and (2) of section 39 of the said Act (gratuities for unestablished service and, as applied by the said section 40, for part-time service) 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 40 applies, included references to service which is partly the one and partly the other (in this paragraph called " mixed service ").

(3) For the purposes of subsection (2A) of the said section 39 inserted by section 1 of the Superannuation Act 1957 (amount of gratuity) as it applies in relation to mixed service—

1957 c. 37.

(*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 40 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 40 applies shall count.

(4) Where section 41(5) of the Superannuation Act 1949 (unestablished persons injured or contracting diseases in discharge of their duties; gratuities by reference to their service) applies in relation to mixed service— 1949 c. 44.

(*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.

(5) Where the effect of this sub-paragraph would be to afford a larger gratuity to any person, neither the foregoing sub-paragraphs nor subsections (3) and (4) of the said section 40 shall apply to him, but for the purposes of section 39, section 40(2) and section 41(5) of the said 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 40 applies.

(6) Where the effect of this sub-paragraph would be to afford a larger gratuity to any person whose mixed service began before the coming into force of this Schedule, subsections (3) and (4) of the said section 40, and not the foregoing sub-paragraphs, shall apply to him.

(7) This paragraph shall be construed as one with Part III of the Superannuation Act 1949.

(8) This paragraph shall not have effect where the death, retirement or removal took place before the coming into force of this Schedule.

Persons injured or contracting diseases in the discharge of their duties

20.—(1) If a warrant under section 41 of the Superannuation Act 1949 (payments to civil servants and others injured or contracting diseases in the discharge of their duties) 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 in respect of the injury, disease or death in consequence of which the payments are made, and, after the coming into force of this Schedule, 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;

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(*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 paragraph 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 paragraph " 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 paragraph—

(*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 paragraph 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.

21.—(1) In the said section 41(1) (under which payments may be made to the relatives of a person dying of the injury or disease within seven years) the words from " either immediately or within seven years " to " contracted the disease " shall cease to have effect.

(2) In the said section 41(5) (unestablished service) after the first " years " there shall be inserted the words " or is a person in part-time service to which section 40 of this Act applies whose continuous service of that kind as so computed is less than five years ", and for the words " that section " there shall be substituted the words " the said section 39 ".

(3) Sub-paragraph (1) and sub-paragraph (2) of this paragraph shall apply in relation to a death taking place after the coming into force of this Schedule.

Averaging of salary

1949 c. 44.

1946 c. 60.

22.—(1) Sections 42 and 43 of the Superannuation Act 1949 (under which, in computing the amount of a pension, a year of actual service may be reckoned as service for a longer period) and section 2(1) of the Superannuation Act 1946 (under which the length

of service may be treated as longer than the actual length of service) shall not be taken as affecting section 4(2) of the Superannuation Act 1935 (under which pensions are computed on the average remuneration during the last three years of actual service), or sections 12 and 28 of the Superannuation Act 1834 (which are replaced by the said section 4(2)), or any amendment made by the said section 4(2) in any other Act, or sections 9(3) and 22(3) of the Superannuation Act 1949. SCH. 2 1935 c. 23. 1834 c. 24. 1949 c. 44.

(2) At the end of the said section 4(2)(*c*) of the Superannuation Act 1935 (which makes consequential amendments in the Superannuation Act 1909) there shall be added the words " and as if for the words in the said subsection (2) ' the amount of such salary and emoluments ' there were substituted the words ' that amount ' ". 1909 c. 10.

Persons transferring to prison service from employments outside civil service of the State

23.—(1) The Treasury may order that for the purposes of subsection (3) of section 43 of the Superannuation Act 1949 (under which, after 20 years, each year of actual service in certain kinds of prison service counts as two) 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 of the State—

(*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 the Superannuation Acts; or 1946 c. 81. 1947 c. 27. 1948 c. 33.

(*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*) above may be treated as if it were a longer period.

(2) Where by virtue of an order under this paragraph any such employment as is mentioned in paragraph (*b*) of the foregoing subparagraph is treated as employment to which the said section 43 applies, the said section 43(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 paragraph, 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 and periods before or after the coming into force of this Schedule.

(4) An order under this paragraph may be varied or revoked by a subsequent order and any order under this paragraph shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The said section 43(3) shall not be taken as affecting the reckoning of service in any year earlier than the 21st of the years

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of actual service mentioned in that subsection, being service of the kind specified in that subsection as extended by sub-paragraph (1) of this paragraph.

(6) The proviso to the said section 43(1) of the Superannuation Act 1949 (which is superseded by this paragraph) shall cease to have effect.

1949 c. 44.

Definition of "period of childhood and full-time education" in Acts of 1949 *and* 1950

24.—(1) The Treasury may by order increase the sum of £13 in section 46(1)(*c*)(ii) of the Superannuation Act 1949 (which excludes from the definition of "period of childhood and full-time education" a person over 16 who is undergoing training if the emoluments payable by his employer are more than £13 a year) or the sum of £13 in section 6(1)(*c*)(ii) of the Administration of Justice (Pensions) Act 1950 (which contains a corresponding provision).

1950 c. 11. (14 & 15 Geo. 6.)

(2) An order under the foregoing sub-paragraph—

(*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 section 46(1) (under which the conditions prescribed by the definition must be fulfilled without interruption), and of the proviso to the said section 6(1) (which contains a corresponding provision), 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 17(1) of the Superannuation Act 1949 made before the order takes effect.

(3) An order under this paragraph may be varied or revoked by a subsequent order, but sub-paragraph (2)(*b*) of this paragraph shall not apply to an order other than an order increasing, or further increasing, either of the said sums of £13.

(4) An order under this paragraph shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Application of Superannuation Acts to certain service

25.—(1) 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 the Table below, or

(ii) in the office of Falkland Macer,

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 of the State within the meaning of section 17 of the Superannuation Act 1859, and

1859 c. 26. (22 Vict.)

(*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 of the State, not falling within the said section 17. SCH. 2

(2) The Treasury may by order add any employment to those listed in the said Table, being employment by a body or in an institution specified in the order.

An order under this sub-paragraph shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The references in section 20 of the Superannuation Act 1834 (effect on pension of re-employment) and in section 8 of the Superannuation Act 1887 (small sums payable on death without representation) to a public department and the references in section 2 of the Superannuation Act 1957 (transfer to civil service in connection with provision or extension of a Government service) to a Government service, shall include references to any of the bodies or institutions listed in the said Table or the British Museum or the British Museum (Natural History) or, as the case may be, to the service provided by any of those bodies or institutions. 1834 c. 24. 1887 c. 67. 1957 c. 37.

(4) Section 1(1)(*b*) of this Act shall, notwithstanding subsection (3)(*d*) of that section, include employment of any of the kinds listed in the said Table, or by the Trustees of the British Museum or of the British Museum (Natural History).

(5) References in this paragraph to employment of the kinds listed in the said Table are references, in the case of any institution specified in that Table, 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 Table.

(6) This paragraph shall be deemed always to have had effect, and any order of the Treasury under this paragraph may be expressed to have effect retrospectively.

TABLE

Museums and Galleries

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.

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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.

National Economic Development Council.

National Library of Scotland.

Public Works Loan Board.

Scottish Land Court.

1924 c. 17. 1925 c. 49. 1934 c. 53. 1949 c. 44.

26.—(1) In section 4 of the County Courts Act 1924, section 128 of the Supreme Court of Judicature (Consolidation) Act 1925 and section 21 of the County Courts Act 1934 (which apply the Superannuation Acts 1834 to 1935 to certain judicial officers) the reference to the said Superannuation Acts shall include a reference to section 33 and, subject to sub-paragraph (2) of this paragraph, section 41 of the Superannuation Act 1949 (which relate respectively to the allocation of pension for the benefit of the spouse of a retired civil servant and to injuries and diseases contracted in the discharge of duty).

1950 c. 11. (14 & 15 Geo. 6.).

(2) In subsection (3) of the said section 41, as it has effect by virtue of this paragraph, references to an additional allowance shall include references to a lump sum under section 2 of the Administration of Justice (Pensions) Act 1950 and the reference to Part I and Part II of the said Act of 1949 shall include a reference to section 8 of the said Act of 1950.

1946 c. 60.

(3) Notwithstanding section 118 of the said Act of 1925 (under which certain judicial officers are deemed for the purpose of pension to be permanent civil servants of the State), nothing in the Superannuation Act 1946 or, except as provided by this paragraph, in the Superannuation Act 1949 shall apply to the officers to whom that section applies.

Application of Superannuation Acts by the Superannuation Act (Northern Ireland) 1921

1921 c. 3 (N.I.).

27. It is hereby declared that nothing in the Superannuation Acts passed before this Act and 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 6 to amend enactments forming part of the law of any part of the United Kingdom) affects the Superannuation Acts as applied by the said Superannuation Act (Northern Ireland) 1921.

SCHEDULE 3

Section 7.

PUBLIC OFFICES: TRANSITIONAL PROVISIONS

Meaning of "public office" in relation to past service

1. In relation to service at any time before the coming into force of sections 6 and 7 of this Act, the expression "public office" in those sections includes—

(*a*) any public office within the meaning of the Superannuation Act 1892 as in force at that time, and 1892 c. 40.

(*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. 1887 c. 13.

Continuation of Superannuation (Public Offices) Rules 1911 *to* 1948

2.—(1) The Superannuation (Public Offices) Rules 1911 to 1948 shall continue in force and have effect as if made under section 6 of this Act, and may be amended or revoked accordingly.

(2) Subject to being so amended, and subject to section 7(5) of this Act, in those rules the expression "public office", in relation to service before the coming into force of the said section 6, means any such office as is described in paragraph 1 of this Schedule and in relation to service at any later time has the meaning given by section 7 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.

SCHEDULE 4

Section 9.

REPEALS

PART I

FOREIGN SERVICE AND DIPLOMATIC SERVICE

Chapter	Short Title	Extent of Repeal
19 & 20 Geo. 5. c. 11.	The Superannuation (Diplomatic Service) Act 1929.	Section 1 except paragraph (*d*). Section 2. In section 3(2) the definition of "minister".
6 & 7 Geo. 6. c. 35.	The Foreign Service Act 1943.	The preamble. Section 1. Section 3. Part II and Schedule.
11 & 12 Geo. 6. c. 38.	The Companies Act 1948.	Section 351(3).
8 & 9 Eliz. 2. c. 11.	The Foreign Service Act 1960.	Section 2.

The repeals in this Part of this Schedule take effect as respects service after 1st January 1965.

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PART II
MISCELLANEOUS

Chapter	Short Title	Extent of Repeal
4 & 5 Will. 4. c. 24.	The Superannuation Act 1834.	In section 28 the words " or for the Admiralty if the office shall be in that Department ".
22 Vict. c. 26.	The Superannuation Act 1859.	Sections 7 and 16.
50 & 51 Vict. c. 67.	The Superannuation Act 1887.	In section 2(1), the words " without any addition under section 7 of that Act ".
9 Edw. 7. c. 10.	The Superannuation Act 1909.	Section 6(2) (including the words from " Nothing herein " to the end).
10 Edw. 7 & 1 Geo. 5. c. 7.	The Development and Road Improvement Funds Act 1910.	Section 2(1).
4 & 5 Geo. 5. c. 86.	The Superannuation Act 1914.	Section 1.
13 & 14 Geo. 5. c. 21.	The Forestry (Transfer of Woods) Act 1923.	In section 6(2) proviso (*a*) and section 6(3).
14 & 15 Geo. 5. c. 17.	The County Courts Act 1924.	In section 4(2)(*b*) the words from " and subsection (2) of section six " to " office) ".
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act 1925.	In section 128(1)(*b*) the words from " and subsection (2) of section six " to " office) ".
24 & 25 Geo. 5. c. 53.	The County Courts Act 1934.	In section 21(3) the words " and subsection (2) of section six ".
25 & 26 Geo. 5. c. 23.	The Superannuation Act 1935.	Section 1(3). In section 4(3) the words from " and subsection (1) " to " 1919 ", the words " in the first-mentioned subsection " and the words from " and as if " to the end of the section.
1 & 2 Geo. 6. c. 13.	The Superannuation (Various Services) Act 1938.	In Part I of the Schedule the entry (in all columns) relating to section 2(1) of the Development and Road Improvement Funds Act 1910.
12, 13 & 14 Geo. 6. c. 44.	The Superannuation Act 1949.	Section 14(4). Section 31(4). In section 41(1), as respects deaths after the coming into force of this Act, the words from " either immediately " to " contracted the disease ". In section 43(1) the proviso.
1859 c. 26. (22 Vict.)		In section 58(2), the words " or section 7 of the Superannuation Act 1859 ". In section 63(1), in the definition of " superannuation allowance ", the words from " and does not include " to the end.
1910 c. 7.		

PART III SCH. 4

PUBLIC OFFICES

Chapter	Short Title	Extent of Repeal
50 & 51 Vict. c. 13.	The Pensions (Colonial Service) Act 1887.	The whole Act.
55 & 56 Vict. c. 40.	The Superannuation Act 1892.	The whole Act.
9 Edw. 7. c. 10.	The Superannuation Act 1909.	Section 7.
10 Edw. 7 & 1 Geo. 5. c. 7.	The Development and Road Improvement Funds Act 1910.	In section 2(2) the words from "and the Treasury" to the end of the subsection.
4 & 5 Geo. 5. c. 86.	The Superannuation Act 1914.	In section 4(2) the words "within the meaning of the Superannuation Act 1892".
10 & 11 Geo. 5. c. 67.	The Government of Ireland Act 1920.	In section 55(2) the words from "and in a public office" to "1892".
13 Geo. 5, Sess. 2, c. 2.	The Irish Free State (Consequential Provisions) Act 1922.	Section 7(2).
8 & 9 Geo. 6. c. 35.	The Forestry Act 1945.	In section 8(1) the words from "and the Treasury" to the end of the subsection.
9 & 10 Geo. 6. c. 60.	The Superannuation Act 1946.	In Schedule 2 paragraph 1.
12, 13 & 14 Geo. 6. c. 44.	The Superannuation Act 1949.	In section 54(1) the words from "in the permanent" to "Isle of Man or" and the words "to which the rules made under section 1 of the Superannuation Act 1892 apply". In section 63(2) the proviso.
6 & 7 Eliz. 2. c. 14.	The Overseas Service Act 1958.	Section 3(2).
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	Section 15(1)(*b*).

The repeals in this Part of this Schedule shall not extend to any enactment so far as it forms part of the law of any country or territory outside the United Kingdom and the Isle of Man.