(2) CONTROL SERVICE FOR GERMANY AND AUSTRIA

The Superannuation (Control Service for Germany and Austria—Unestablished Civilian Service) Regulations, 1949

1949 No. 640

Made - - - -	31*st March*, 1949
Laid before Parliament	31*st March*, 1949
Coming into Operation	1*st April*, 1949

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred on Them by sub-section (2) of Section 4 of the Superannuation Act, 1946(**a**), and of all other powers enabling Them in that behalf, hereby make the following Regulations :—

1.—(1) These Regulations may be cited as the Superannuation (Control Service for Germany and Austria—Unestablished Civilian Service) Regulations, 1949.

(2) References in these Regulations to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as re-enacted or amended by or under any subsequent enactment.

(3) Subject as aforesaid the Interpretation Act 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. Subject as hereinafter provided a person employed in an unestablished capacity in the Control Service for a fixed term ending on or after the 30th September, 1948, who becomes redundant in his existing grade and whose services are terminated on the grounds of such redundancy before the end of the said fixed term, may be paid a gratuity, according to the term of his employment, the dates of commencement and termination of his employment and his annual remuneration, equal to the amount of his remuneration for the number of months specified in the First Schedule to these Regulations.

Provided that—

(i) no gratuity under this Regulation shall be paid to a person—

(*a*) who accepts or is offered and unreasonably refuses to accept a reasonable offer of employment, either in another capacity in the Control Service, or in any public service under the Crown in the United Kingdom, or

(*b*) who, being a member of the Special Police Corps in Germany or in Austria established by the Police (Overseas Service) (Germany) Regulations, 1947(**c**), and the Police (Overseas Service) (Austria) Regulations, 1947(**d**), respectively, has been awarded a pension with

(**a**) 9 & 10 Geo. 6. c. 60.
(**b**) 52 & 53 Vict. c. 63.
(**c**) S.R. & O. 1947 (No. 1088) I, p. 1773.
(**d**) S.R. & O. 1947 (No. 1188) I, p. 1760.

added years under the Police (Overseas Service) (Germany) (No. 2) Regulations, 1947(a), or the Police (Overseas Service) (Austria) (No. 2) Regulations, 1947(b), or the Police Pensions Regulations, 1948(c), or

(c) who is a teacher or a person appointed to an administrative or executive office in the British Families Education Service of the Control Commission for Germany.

(ii) no gratuity under this Regulation shall exceed the amount of remuneration which would have been payable to a person in respect of the period from the date of the termination of his employment to the end of the fixed term thereof if he had remained therein during the said period at the annual rate of salary in force on the date of the termination of his employment.

3.—(1) Subject as hereafter provided a person employed in an unestablished capacity as an Intelligence Officer in the Control Service in the Control Commission for Germany who was not over 38 years of age at the date of the commencement of his employment in that capacity, may,

(a) On completion of an engagement of not less than three years duration as an Intelligence Officer, or

(b) if the employment is terminated for any cause other than redundancy, misconduct or inefficiency after not less than three years' service as an Intelligence Officer, or

(c) if the employment is terminated on the grounds of redundancy after not less than one year's service as an Intelligence Officer, and the Officer elects to be treated under this Regulation rather than under Regulation 2 hereof,

be paid a gratuity, according to the number of complete years of his service as an Intelligence Officer before he attains the age of 41 years, not exceeding the percentage of his annual remuneration specified in the Second Schedule to these Regulations.

(2) No gratuity under this Regulation shall be paid to any person who has served as an Intelligence Officer for less than three years and who accepts or is offered and unreasonably refuses to accept a reasonable offer of employment, either in another capacity in the Control Service or in any public service under the Crown in the United Kingdom.

(3) A person who has served as an Intelligence Officer for less than three years and who on the termination of his service as an Intelligence Officer is offered and accepts employment of the nature specified in the immediately preceding paragraph and is discharged therefrom for any cause other than misconduct before the expiration of the period of his engagement as an Intelligence Officer may be paid a gratuity under this Regulation in respect of his service as an Intelligence Officer.

(4) For the purpose of determining the length of a person's service as an Intelligence Officer any periods of such service which are interrupted by other service in the Control Service shall be aggregated.

(5) No gratuity shall be paid to any person under this Regulation before the termination of his service in the Control Service.

(a) S.R. & O. 1947 (No. 2194) I, p. 1785. (b) S.R. & O. 1947 (No. 2198) I, p. 1772.
(c) S.I. 1948 (No. 1531) I, p. 3429.

(6) Where a person to whom a gratuity under this Regulation has been paid becomes re-employed in the Control Service his service in respect of which that gratuity has been paid, shall be left out of account for the purpose of calculating any award which may be made to or in respect of him under these Regulations or under the Superannuation Acts, 1834 to 1948, unless he repays the amount of the said gratuity upon becoming so re-employed.

4.—(1) No gratuity shall be paid under these Regulations to any person in respect of whom the following conditions are satisfied, that is to say—

(*a*) that immediately before he became employed in service in the Control Service he was entitled to participate in the benefits of a superannuation scheme whereunder contributions were authorised or required to be paid by his employer, and

(*b*) such contributions, not being contributions under the National Insurance Act, 1946(**a**), were paid in addition to his annual remuneration out of the moneys provided by Parliament for the Control Service during the period of his service in the Control Service.

(2) In this Regulation "superannuation scheme" includes any form of arrangements, whether subsisting by trust, contract, Act of Parliament or otherwise, made in connection with a person's employment, for the payment of a pension or gratuity or other lump sum to or in respect of him.

5.—(1) Any gratuity paid under these Regulations shall be in substitution for, and not in addition to, any gratuity which might otherwise be payable under section 4 of the Superannuation Act, 1887(**b**).

(2) A person to whom a gratuity may be paid either under these Regulations, or under section 4 of the Superannuation Act, 1887, may elect whether the said gratuity shall be paid under these Regulations or under the said section.

6.—(1) In these Regulations, unless the context otherwise requires:—

The expression "unestablished capacity" has the same meaning as in Section 3 of the Superannuation Act, 1935(**c**), that is to say, employment in the Civil Service of the State otherwise than in the capacity of a Civil Servant as defined by the Superannuation Act, 1887, being employment to which a person serving therein is required to devote his whole time, and the remuneration for which is paid entirely out of the moneys provided by Parliament.

"Civil servant" means a person serving in an established capacity in the permanent Civil Service of the State within the meaning of Section 17 of the Superannuation Act, 1859(**d**).

"Control Service" means the Control Service for Germany and Austria.

"Remuneration" means sums payable by way of salary and Control Commission allowance.

(**a**) 9 & 10 Geo. 6. c. 67.
(**b**) 50 & 51 Vict. c. 67.
(**c**) 25 & 26 Geo. 5. c. 23.
(**d**) 22 Vict. c. 26.

The expression "annual remuneration" means—

(i) in relation to any person eligible for a gratuity under Regulation 3 hereof who attains the age of 40 years during his said employment, the aggregate of

(*a*) the annual rate of his salary in force on the last day of the year of his service in such employment in which he attains the age of 40 years, and

(*b*) the actual amount of Control Commission allowance earned by him in respect of the twelve months immediately preceding the last day of the year of his service in which he attains the said age

(ii) in relation to any other person, the aggregate of

(*a*) the annual rate of his salary in force on the last day of service in the appointment, and

(*b*) the actual amount of Control Commission allowance earned by him in respect of the twelve months immediately preceding the last day of his service in the appointment, or, in the case of total service of less than twelve months, the actual amount of such allowance earned by him during his period of service.

References to "salary" or "annual rate of salary" are to the gross amounts thereof before deduction of income tax or of any abatement in lieu of income tax, and in relation to persons paid at weekly rates of pay, to the amount thereof for a period of fifty-two weeks.

References to "Control Commission Allowance" are to the gross amounts thereof before deduction of income tax or of any abatement in lieu of income tax.

(2) For the purposes of these Regulations, a month's remuneration or salary shall be deemed to be one-twelfth of the relative annual remuneration or salary.

(3) For the purposes of these Regulations a reasonable offer of employment is an offer of employment the remuneration and conditions of which, in the opinion of the Treasury, correspond as nearly as may be with the remuneration and conditions of the employment which has been terminated.

7. These Regulations shall apply, and shall be deemed to have applied since the 1st day of April, 1946, to any person whose employment in an unestablished capacity within the Control Service is terminated on or after that date, but shall not apply to any person whose service in an unestablished capacity is followed, without any break in service, by service as a civil servant.

8. These Regulations shall come into force on the 1st day of April, 1949.

Dated this 31st day of March, 1949.

R. J. Taylor,
Wm. Hannan,
Two of the Lords Commissioners of
His Majesty's Treasury.

FIRST SCHEDULE

Number of months' remuneration payable as a gratuity for termination of employment on grounds of redundancy in the case of members of the Control Service engaged for varying periods where commencement of employment occurred within specified periods.

TABLE 1

ENGAGEMENTS DUE TO TERMINATE ON OR AFTER 30TH SEPTEMBER, 1948 AND BEFORE 30TH SEPTEMBER, 1949

Termination date	Number of months' remuneration payable as a gratuity			
	Date of first commencing last unbroken period of civilian employment in the Control Service			
	Before 1/4/46	After 31/3/46 and before 1/10/46	After 30/9/46 and before 1/4/47	After 31/3/47
Before 1/10/47 ...	6 months	6 months	5 months	Nil
After 30/9/47 and before 30/9/49...	*3 ,,	*3 ,,	*3 ,,	Nil

* Subject to proviso (ii) to Regulation 2.

TABLE 2

ENGAGEMENTS DUE TO TERMINATE ON OR AFTER 30TH SEPTEMBER, 1949 AND BEFORE 30TH SEPTEMBER, 1950

Termination date	Number of months' remuneration payable as a gratuity				
	Date of first commencing last unbroken period of civilian employment in the Control Service				
	Before 1/4/46	After 31/3/46 and before 1/10/46	After 30/9/46 and before 1/4/47	After 31/3/47 and before 1/4/48	After 31/3/48
Before 1/10/47 ...	7 months	7 months	6 months	5 months	—
After 30/9/47 and before 1/10/48 ...	5 ,,	5 ,,	4 ,,	4 ,,	Nil
After 30/9/48 and before 30/9/50 ...	*3 ,,	*3 ,,	*3 ,,	*3 ,,	Nil

* Subject to proviso (ii) to Regulation 2.

TABLE 3

ENGAGEMENTS DUE TO TERMINATE ON OR AFTER 30TH SEPTEMBER, 1950 AND BEFORE 30TH SEPTEMBER, 1951

Termination date	Number of months' remuneration payable as a gratuity					
	Date of first commencing last unbroken period of civilian employment in the Control Service					
	Before 1/4/46	After 31/3/46 and before 1/10/46	After 30/9/46 and before 1/4/47	After 31/3/47 and before 1/10/48	After 30/9/48 and before 1/4/49	After 31/3/49
Before 1/10/47	9 months	9 months	8 months	6 months	—	—
After 30/9/47 and before 1/10/48 ...	7 ,,	7 ,,	7 ,,	6 ,,	—	—
After 30/9/48 and before 1/10/49 ...	5 ,,	5 ,,	5 ,,	5 ,,	4 months	Nil
After 30/9/49 and before 30/9/51 ...	*3 ,,	*3 ,,	*3 ,,	*3 ,,	*3 ,,	Nil

* Subject to proviso (ii) to Regulation 2.

TABLE 4

ENGAGEMENTS DUE TO TERMINATE ON OR AFTER 30TH SEPTEMBER, 1951 AND BEFORE 30TH SEPTEMBER, 1952

Termination date	Number of months' remuneration payable as a gratuity					
	Date of first commencing last unbroken period of civilian employment in the Control Service					
	Before 1/4/46	After 31/3/46 and before 1/10/46	After 30/9/46 and before 1/4/47	After 31/3/47 and before 1/10/48	After 30/9/48 and before 1/4/50	After 31/3/50
Before 1/10/47	10 months	10 months	9 months	8 months	—	—
After 30/9/47 and before 1/10/48 ...	8 ,,	8 ,,	8 ,,	7 ,,	—	—
After 30/9/48 and before 1/10/49 ...	6 ,,	5 ,,	5 ,,	5 ,,	4 months	—
After 30/9/49 and before 1/10/50 ...	4 ,,	4 ,,	4 ,,	4 ,,	4 ,,	Nil
After 30/9/50 and before 30/9/52 ...	*3 ,,	*3 ,,	*3 ,,	*3 ,,	*3 ,,	Nil

* Subject to proviso (ii) to Regulation 2.

TABLE 5

ENGAGEMENT DUE TO TERMINATE ON OR AFTER 30TH SEPTEMBER, 1952

Termination date	Number of months' remuneration payable as a gratuity						
	Date of first commencing last unbroken period of civilian employment in the Control Service						
	Before 1/4/46	After 31/3/46 and before 1/10/46	After 30/9/46 and before 1/4/47	After 31/3/47 and before 1/10/48	After 30/9/48 and before 1/4/50	After 31/3/50 and before 1/4/51	After 31/3/51
Before 1/10/47	12 months	11 months	10 months	9 months	—	—	—
After 30/9/47 and before 1/10/48	9 ,,	9 ,,	9 ,,	9 ,,	—	—	—
After 30/9/48 and before 1/10/49	6 ,,	6 ,,	6 ,,	6 ,,	5 months	—	—
After 30/9/49 and before 1/10/50	5 ,,	5 ,,	5 ,,	5 ,,	4 ,,	4 months	—
After 30/9/50 and before 1/10/51	4 ,,	4 ,,	4 ,,	4 ,,	4 ,,	4 ,,	Nil
After 30/9/51 and before 30/9/53	*3 ,,	*3 ,,	*3 ,,	*3 ,,	*3 ,,	*3 ,,	Nil

* Subject to proviso (ii) to Regulation 2.

SECOND SCHEDULE

SCALE OF GRATUITIES FOR INTELLIGENCE OFFICERS EMPLOYED IN THE BRITISH ELEMENT OF THE CONTROL COMMISSION FOR GERMANY

Number of completed years of service as an Intelligence Officer	*Percentage of remuneration during the last year of service as an Intelligence Officer*
1 year	25 per cent.
2 years	40 per cent.
3 years	50 per cent.
4 years	75 per cent.
5 years	100 per cent.
6 years	125 per cent.

EXPLANATORY NOTE

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

These Regulations authorise the payment of gratuities to employees of the Control Service for Germany and Austria whose contracts of service are prematurely terminated on grounds of redundancy. They will not apply to persons whose service under the Control Commission reckons for gratuity or pension under separate arrangements except that a person entitled to a gratuity under Section 4 of the Superannuation Act, 1887, may elect whether he shall receive a gratuity under that Section or under these Regulations. The rates of gratuity payable are prescribed on the Schedules.

The Superannuation (Control Service for Germany and Austria —Unestablished Civilian Service) (Special Engagements) Regulations, 1949

1949 No. 2035

Made - - - -	1*st November*, 1949
Laid before Parliament	2*nd November*, 1949
Coming into Operation	3*rd November*, 1949

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred on Them by subsection (2) of Section 4 of the Superannuation Act, 1946(**a**), and of all other powers enabling Them in that behalf, hereby make the following Regulations :—

1.—(1) These Regulations may be cited as the Superannuation (Control Service for Germany and Austria—Unestablished Civilian Service) (Special Engagements) Regulations, 1949.

(2) References in these Regulations to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as re-enacted or amended by or under any subsequent enactment.

(3) Subject as aforesaid the Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. No payment shall be made under these Regulations to any person other than a person who has been appointed by the Secretary of State to serve for a fixed term in an unestablished civilian capacity in the Control Service in Germany on a special engagement expressed to be an engagement to which these Regulations apply, and no such payment shall be made to any person whose service in the Control Service, whether under or immediately following such an engagement, is followed, without any break in service, by service as a Civil Servant.

3.—(1) Subject as hereinafter provided, a person employed under an engagement to which these Regulations apply whose service is on account of redundancy no longer required in the Control Service in any post carrying

(**a**) 9 & 10 Geo. 6. c. 60. (**b**) 52 & 53 Vict. c. 63.