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.

a salary not lower than that specified at the time of his appointment on that engagement and is terminated on the grounds of such redundancy before the end of the fixed term of the engagement, may be paid a gratuity equal to thirty per cent. of the sum which would represent the continuance of his remuneration for the unexpired period of the said fixed term at a rate not exceeding the average of his annual remuneration in the Control Service during the three years immediately preceding the date of termination of his employment or during such shorter period as he may have served continuously in the Control Service immediately preceding that date, as the case may be, subject to a maximum gratuity not exceeding one and a half times the amount of such average annual remuneration.

Provided that 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 in any public service under the Crown, or

(*b*) in respect of any part of the unexpired period of the said fixed term after he has reached or would reach the age of 60 years.

(2) For the purposes of this Regulation 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 engagement which has been terminated.

4.—(1) Subject as hereinafter provided, a person employed on an engagement to which these Regulations apply may, on termination of his employment under that engagement, be paid a gratuity equal to one per cent. of the average of his annual remuneration in the Control Service during the three years immediately preceding the date of termination of such employment in respect of each completed month of continuous service in an unestablished civilian capacity in the Control Service, subject to a maximum gratuity not exceeding twice the amount of such average annual remuneration.

Provided that no gratuity under this Regulation shall be paid to a person—

(*a*) who has not at the time of such termination completed seven years' continuous and satisfactory service in an unestablished civilian capacity in the Control Service, or

(*b*) who leaves his employment on resignation after less than the period of notice required by the terms of his engagement or such shorter notice as the Secretary of State may accept, or

(*c*) whose employment is terminated thereafter on grounds of misconduct or inefficiency.

(2) Any gratuity payable under this Regulation may be in addition to any gratuity which may be payable under Regulation 3 hereof.

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

(4) 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 the Superannuation (Control Service for Germany and Austria—Unestablished Civilian Service) Regulations, 1949(a), or under the Superannuation Acts, 1834 to 1949, unless he repays the amount of the said gratuity upon becoming so re-employed.

(a) S.I. 1949 No. 640, p. 3016 above.

(5) If a person employed on an engagement to which these Regulations apply dies while still so employed after having completed seven years' continuous and satisfactory service in an unestablished civilian capacity in the Control Service, and not being under notice of termination on grounds of misconduct or inefficiency, a gratuity under this Regulation may be paid to his legal personal representatives.

5.—(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.

6.—(1) No gratuity shall be paid under the Superannuation (Control Service for Germany and Austria—Unestablished Civilian Service) Regulations, 1949, to any person eligible for a gratuity under these Regulations.

(2) 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 39 of the Superannuation Act, 1949(**b**).

(3) A person to whom a gratuity may be paid either under these Regulations or under Section 39 of the Superannuation Act, 1949, may elect whether the said gratuity shall be paid under these Regulations or under the said section.

7. 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 Civil Servant as defined by the Superannuation Act, 1949, 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 the Superannuation Act, 1949.

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

" Remuneration " means the gross sums payable by way of salary and Control Commission allowance, if any, before deduction of income tax or of any abatement in lieu of income tax.

The expressions " average of his annual remuneration " or " average annual remuneration " mean—

(i) in relation to a person who has served continuously in an unestablished civilian capacity in the Control Service for the period of three years immediately preceding the date of termination of his employment, one third of his remuneration during that period.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 12, 13 & 14 Geo. 6. c. 44. (**c**) 25 & 26 Geo. 5. c. 23.

(ii) in relation to any other person, his remuneration during the last unbroken period of unestablished civilian employment in the Control Service preceding the date of termination of his employment, divided by the number of days in that period and multiplied by three hundred and sixty-five.

8. These Regulations shall come into force on the 3rd day of November, 1949.

Dated this 1st day of November, 1949.

Wm. Hannan,
Richard Adams,
Two of the Lords Commissioners of His Majesty's Treasury.

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 under a scheme for longer term engagements for a limited number of members of the Control Service in Germany, which is known as "Scheme C". They will not apply to persons whose service under the Control Commission reckons for gratuity or pension under other arrangements, except that a person entitled to a gratuity under Section 39 of the Superannuation Act, 1949, may elect whether he shall receive a gratuity under that section, or under these Regulations. The rates of gratuity are laid down in Regulation 3, (which prescribes the rate applicable where an appointment is terminated prematurely on grounds of redundancy), and in Regulation 4 which prescribes the rate applicable after completion of seven years service.

(3) EXISTING IRISH OFFICERS

The Superannuation Act (Application to Existing Irish Officers) Order, 1949

1949 No. 1835

Made - - - -	*29th September,* 1949
Laid before Parliament	*30th September,* 1949
Coming into Operation	*1st October,* 1949

At the Court at Buckingham Palace, the 29th day of September, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas it is provided by sub-section (3) of section fifty-six of the Superannuation Act, 1949(a), that His Majesty may, by an Order in Council made in pursuance of a Resolution passed by both Houses of Parliament of Northern Ireland, direct that the said Act or any provisions thereof shall, subject to such exceptions and adaptations as may be specified in the Order, apply to

(a) 12, 13 & 14 Geo. 6. c. 44.