The Superannuation (Joint Colonial and Civil Service) Rules, 1950

1950 No. 378

Made - - - -	17*th March*, 1950
Laid before Parliament	20*th March*, 1950
Coming into Operation	21*st March*, 1950

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by subsection (1) of section fifty-four of the Superannuation Act, 1949(a), and of all other powers enabling Them in that behalf, hereby make the following Rules:—

1.—(1) These Rules may be cited as the Superannuation (Joint Colonial and Civil Service) Rules, 1950.

(2) The Superannuation (Joint Colonial and Civil Service) Rules, 1949(b), are hereby revoked but nothing in this revocation shall affect any pension granted or other thing whatsoever done or having effect under the said Rules, and every such pension or thing shall continue in force and have effect as if granted or done under these Rules.

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

(4) These Rules shall come into force on the 21st day of March, 1950.

2.—(1) In these Rules unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

(*a*) " The Act " means the Superannuation Act, 1949.

(*b*) " The Public Offices Rules " means the Rules made by the Treasury(d) under section one of the Superannuation Act, 1892(e), and section seven of the Superannuation Act, 1909(f).

(*c*) " Officer " means a person who, whether before or after he is a civil servant, serves in the permanent Civil Service of a Colony within the meaning of the Pensions (Colonial Service) Act, 1887(g).

(*d*) " Colonial civil service " means service in any office in the permanent Civil Service of a Colony within the meaning of the Pensions (Colonial Service) Act, 1887.

(2) Any reference in these Rules to the provisions of any enactment, rules or regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment, regulations or rules, including these Rules.

PART I

Officers pensionable under the Public Offices Rules

3. This part of these Rules shall apply in the case of an officer whose superannuation benefits are, or if he had retired immediately before the date of his death, might have been, regulated by Rule 9 of the Public Offices Rules.

(a) 12, 13 & 14 Geo. 6. c. 44. (b) S.I. 1949 No. 1372. (c) 52 & 53 Vict. c. 63.
(d) S.R. & O. 1911 (No. 707) p. 285. (e) 55 & 56 Vict. c. 40.
(f) 9 Edw. 7. c. 10. (g) 50 & 51 Vict. c. 13.

4. Subject to the provisions of this part of these Rules, Part I and Part II of the Act shall have effect in relation to an officer to whom this part of these Rules applies.

5. For the purposes of calculating the annual rate of any pension payable under Part I or Part II of the Act on the death of an officer, the rate of the superannuation allowance of the deceased shall be deemed to be the rate of the superannuation allowance for which he had become eligible (whether such an allowance at that or any other rate had actually been granted or not), or, as the case may be, for which he would or might have become eligible by virtue of Rule 9 of the Public Offices Rules, and these Rules, in respect of his service as a civil servant, any abatement falling to be made under regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946(**a**), being left out of account.

6.—(1) Periodical contributions under Part I and Part II of the Act shall be payable by an officer only in respect of any period during which he serves as a civil servant.

(2) References in sections eight, nine, twenty, twenty-one and twenty-two of the Act—

(i) to reckonable service, shall be construed as references to service in the civil service of the State which is, or is reckonable under the Superannuation Acts, 1834-1949, as, service in the capacity of a civil servant;

(ii) to a person ceasing to be a civil servant, shall be construed as references to him ceasing to be an officer to whom these Rules apply.

(3) References in sections nine and twenty-two of the Act to an additional allowance or a gratuity under section two of the Superannuation Act, 1909, shall include references to any corresponding allowance or gratuity payable to or in respect of an officer from the Consolidated Fund of the United Kingdom, or money, voted by Parliament.

7.—(1) The provisions of this Rule shall have effect in relation to an officer to whom this part of these Rules applies in substitution for the provisions of section thirty-two of the Act.

(2) Where—

(i) an officer on retiring from the Civil Service upon a medical certificate, becomes eligible for the grant of one or more pensions by virtue of Rule 9 of the Public Offices Rules; and

(ii) the aggregate number of years of his Colonial civil service and his service as a civil servant is, or exceeds, ten years, but does not exceed twenty years; and

(iii) the aggregate amount of the pensions for which he is eligible is less than one-fourth of the average annual amount of his salary and emoluments during the last three years of his service—

there may be granted to him in respect of his service as a civil servant such superannuation allowance and additional allowance as may be requisite in order that the aggregate amount of the superannuation allowances and additional allowances granted to him by virtue of Rule 9 of the Public Offices Rules and this Rule, shall be equivalent to the aggregate amount which would have been so granted if the aggregate number of years of his Colonial civil service and his service as a civil servant had been twenty years.

(**a**) 9 & 10 Geo. 6. c. 67.

(3) In the case of an officer the aggregate of whose Colonial civil service and service as a civil servant would, if he had continued to serve in the employment in which he was when he was last a civil servant until five years after the retiring age, have been a period shorter than twenty years, the immediately foregoing paragraph of this Rule shall have effect as if for the last reference therein to twenty years there were substituted a reference to that shorter period.

(4) In this Rule the expression "pension" has the same meaning as in the Public Offices Rules.

8. Where any part of the Colonial civil service of an officer was service in any country or place to which section forty-two of the Act for the time being applies, subsection (3) of the said section shall have effect in relation to that part of his service as though it were service in the capacity of a civil servant.

PART II

Officers pensionable under the Pensions (Colonial Service) Act, 1887

9. This part of these Rules shall apply to an officer whose superannuation benefits are, or on his retirement would fall to be, regulated by the Pensions (Colonial Service) Act, 1887.

10. Subject to the provisions of this part of these Rules, Part I and Part II of the Act shall have effect in relation to an officer to whom this part of these Rules applies.

11.—(1) For the purpose of calculating the annual rate of any pension payable under Part I or Part II of the Act on the death of an officer, the rate of the superannuation allowance of the deceased shall be deemed to be that portion of the superannuation allowance for which he had become eligible (whether such an allowance at that or any other rate had actually been granted or not), or, as the case may be, for which he would or might have become eligible by virtue of the Pensions (Colonial Service) Act, 1887, as falls, or would or might fall, under section two of the Pensions (Colonial Service) Act, 1887, to be paid from the Consolidated Fund of the United Kingdom or moneys voted by Parliament.

(2) For the purpose of the foregoing paragraph, any abatements falling to be made under regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946, shall be left out of account.

12. Rule 6 of these Rules shall apply to an officer to whom this part of these Rules applies as it applies to an officer to whom Part I of these Rules applies.

13.—(1) The provisions of this Rule shall have effect in relation to an officer to whom this part of these Rules applies in substitution for the provisions of section thirty-two of the Act.

(2) Where—

(i) an officer on retiring from the civil service upon a medical certificate becomes eligible for the grant of a pension by virtue of the Pensions (Colonial Service) Act, 1887; and

(ii) the aggregate number of years of his Colonial civil service and his service as a civil servant is, or exceeds, ten years but does not exceed twenty years; and

(iii) the aggregate amount of the pension for which he is eligible is less than one-fourth of the average annual amount of the salary and emoluments during the last three years of his service—

the same pension, if any, may be granted to him as might have been granted to him if the aggregate of his Colonial civil service and his service as a civil servant had been twenty years.

(3) In the case of an officer the aggregate of whose Colonial civil service and service as a civil servant would, if he had continued to serve in the employment in which he was when he was last a civil servant until five years after the retiring age, have been a period shorter than twenty years, the immediately foregoing paragraph of this Rule shall have effect as if for the last reference therein to twenty years there was substituted a reference to that shorter period.

Provided that nothing in this Rule shall operate to increase the portion of the officer's pension which falls to be paid in respect of any employment in the permanent civil service of a colony.

14. Where any part of the Colonial service of an officer to whom this part of these Rules applies was service in any country or place to which section forty-two of the Act applies, the said section forty-two shall have effect in relation to that part of his service as though it were service in the capacity of a civil servant.

PART III

Officers to whom Part I or Part II of these Rules applies who die while serving in the permanent civil service of a Colony

15. The provisions of the next succeeding Rule shall apply to the case of an officer who dies while serving in any office in the permanent Civil Service of a Colony within the meaning of the Pensions (Colonial Service) Act, 1887.

16.—(1) No pension shall be payable under Part I or Part II of the Act (as modified and adapted by these Rules) on the death of an officer unless the sum specified in the next succeeding paragraph of this Rule shall have been paid to the Treasury within the twelve months next following the death of the officer or within such extended period as the Treasury may allow.

(2) The sum to be paid to the Treasury in pursuance of this Rule shall be equal to the contribution which would have fallen to be made in respect of the officer under section nine or, as the case may be, section twenty-two, of the Act as modified and adapted by these Rules, if a gratuity under section two of the Superannuation Act, 1909, had been payable in respect of the officer on his death.

(3) If any sum falls to be paid under the preceding paragraphs of this Rule and the whole of that sum is not paid within the period specified in paragraph (1) thereof, any pension which would have been payable under Part I or Part II of the Act and these Rules if the whole of the said sum had been paid shall be reduced so as to bear to the full amount thereof the same proportion as the sum paid bears to the total sum specified in paragraph (2) of this Rule:

Provided that—

(*a*) a payment made in accordance with the preceding provisions of this Rule shall be ineffective for the purposes of this Rule unless either a

widow's pension or a children's pension can be paid in respect of the officer's service at a rate equal to at least six pounds ten shillings per annum; and

(*b*) where a payment is ineffective under the immediately preceding sub-paragraph the amount thereof shall be repaid.

Dated this 17th day of March, 1950.

H. W. Bowden,
W. A. Wilkins,
Two of the Lords Commissioners of H.M. Treasury.

EXPLANATORY NOTE

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

These Rules are made under Section 54 of the Superannuation Act, 1949, to make the necessary modifications in the applications of that Act to persons who have service in the Civil Service and the Civil Service of a Colony. The Superannuation (Joint Colonial and Civil Service) Rules, 1949, are revoked, but their terms are re-enacted in Parts I and II of these Rules.

Part I of the Rules deals with the man who receives separate pensions in respect of his two periods of service. Part II deals with the case where a single pension is awarded in respect of the entire aggregated service, the appropriate proportion being recovered by the United Kingdom Exchequer from Colonial Revenues.

In either case the Rules provide:—

1. that contributions to the Civil Service Widows or Dependants Pension Schemes, and pensions payable under those schemes, shall be based only on the actual period of Civil Service.
2. that where an officer retires on health grounds with aggregated service of more than 10 years but less than 20 years his award may be calculated as though his period of service in the service from which he retires had been long enough to bring his aggregated service up to 20 years (or the number of years he could have served by age 65 if this is less).
3. that service as a Colonial servant in a place scheduled under Section 42 of the Act shall entitle the person to a reduction in the retiring age in accordance with the provisions of Subsection (3) of that Section.

Part III provides for the man who is subject to the Civil Service Widows (or Dependants) Pension Scheme and who dies in the service of a Colony. No death gratuity would be paid to his estate from United Kingdom revenues, and United Kingdom legislation cannot authorise a deduction from the Colonial death gratuity; there is thus no way of making the contribution to the Widows Pension Scheme which may be due when the officer dies by reduction in the gratuity paid to his estate. It is accordingly provided that the appropriate contribution may be paid in cash to the Treasury, and that the widows pension will not be awarded unless this payment is made within twelve months of the officer's death.