1965 No. 102

PENSIONS

The Widows' Children's and Dependants' Pensions (India and Pakistan) Rules 1965

Made - - - -	*27th January* 1965
Laid before Parliament	*2nd February* 1965
Coming into Operation	*3rd February* 1965

The Treasury, in exercise of the powers conferred on them by section 3(1)(*c*) of the Pensions (India, Pakistan and Burma) Act 1955(**a**) and of all other powers enabling them in that behalf, hereby make the following Rules:—

1. The specified provisions of the Act of 1949 shall, subject to the adaptations and modifications specified in Schedule 2 to these Rules and to Rule 3 hereof, apply to any person specified in Part I of Schedule 1 to these Rules.

2. The application of the specified provisions of the Act of 1949 to any civil servant who is such a person as is specified in Part II of Schedule 1 to these Rules shall, subject to Rule 3 hereof, be extended so as to have effect as if his Indian or Pakistan service were reckonable service within the meaning of that Act.

3. Where a person is or becomes eligible for a pension under any enactment or instrument of the Governments of India or Pakistan containing or applying provisions similar to any of the specified provisions of the Act of 1949 any pension granted under the specified provisions of the Act of 1949 as applied or extended by these Rules shall be reduced by the amount of the first-mentioned pension.

4.—(1) In these Rules the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" the Act of 1949 " means the Superannuation Act 1949(**b**);

" the Act of 1955 " means the Pensions (India, Pakistan and Burma) Act 1955;

" civil servant " has the meaning assigned to it by section 63(2) of the Act of 1949;

" Indian or Pakistan service " means service in any capacity specified in Part III of Schedule 2 to the Act of 1955; and

" the specified provisions of the Act of 1949 " means Part I thereof except sections 9(6), 11, 13(2) and (3), and 14, Part II thereof except sections 29, 30(2) and (3) and 31(5), and Part IV thereof except sections 52 to 58, 60 to 62, section 63(2) Proviso and (6), and section 64.

(2) Unless the context otherwise requires, any reference in these Rules to any enactment or instrument shall be construed as a reference to that enactment or instrument as amended re-enacted or replaced by any subsequent enactment or instrument.

(**a**) 3 & 4 Eliz. 2. c. 22. (**b**) 12, 13 & 14 Geo. 6. c. 44.

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

5. These Rules may be cited as the Widows' Children's and Dependants' Pensions (India and Pakistan) Rules 1965 and shall come into operation on 3rd February 1965.

Ifor Davies,
George Lawson,
Two of the Lords Commissioners of Her Majesty's Treasury.

27th January 1965.

SCHEDULE 1

PART I

PERSONS TO WHOM THE SPECIFIED PROVISIONS OF THE ACT OF 1949 ARE APPLIED SUBJECT TO ADAPTATIONS AND MODIFICATIONS

Any person who notified the Secretary of State for Commonwealth Relations before 14th January 1950 of his desire that the Act of 1949 should be applied to him, not being such a person as is specified in paragraph 1 of Part II of this Schedule, and being a person specified in paragraphs 1 or 2 of Part III of Schedule 2 to the Act of 1955.

PART II

PERSONS TO WHOM THE SPECIFIED PROVISIONS OF THE ACT OF 1949 ARE GIVEN AN EXTENDED APPLICATION

1. Any person specified in paragraphs 1 or 2 of Part III of Schedule 2 to the Act of 1955 being a person who at some time subsequent to his Indian or Pakistan service but before 1st April 1955 became a civil servant.

2. Any person specified in paragraph 3 thereof.

3. Any person specified in paragraph 4 thereof, being a person who was a civil servant immediately before his Indian or Pakistan service began and who is eligible as such for an award under the Superannuation Acts 1834 to 1960 in the calculation of which he is entitled to aggregate such Indian or Pakistan service.

SCHEDULE 2

ADAPTATIONS AND MODIFICATIONS OF THE SPECIFIED PROVISIONS OF THE ACT OF 1949 IN RELATION TO PERSONS TO WHOM THOSE PROVISIONS ARE APPLIED

1. For the words "the Treasury" wherever they occur there shall be substituted the words "the Secretary of State" and for the words "civil servant" wherever they occur there shall be substituted the words "person with Indian or Pakistan service".

2. In section 1(*b*) for the words "after this Part of this Act first applied to him" there shall be substituted the words "after the passing of this Act".

3. At the end of section 3(3) there shall be added the words "provided that for this purpose the rate of superannuation allowance shall be calculated on the deceased's average annual salary during the last three years of his service".

4. For section 7(1) to (3) there shall be substituted the following provision:—

"(1) A person who has elected that this Part of this Act shall apply to him may make regular periodical contributions equal to one and a quarter per cent. of the amount of salary from time to time payable to him, exclusive of allowances and payments for overtime.

(a) 52 & 53 Vict. c. 63.

(2) Contributions by a person under this section shall be payable in respect of his salary from the date as from which his election becomes effective until he ceases to be a person with Indian or Pakistan service ".

5. For section 9(1) there shall be substituted the following provision:—

" (1) Subject to the provisions of this section, a lump sum contribution shall be made at the time of his retirement by each person to whom this Part of this Act applies ".

6. For section 10 there shall be substituted the following provision:—

" This Part of this Act shall apply to any male person who at the date of the passing of this Act is a person with Indian or Pakistan service."

7. In section 13(1) after the words " shall not affect his rights under " there shall be inserted the words " any enactment or instrument of the Indian or Pakistan Governments containing or applying provisions similar to ".

8. For section 22(1) there shall be substituted the following provision:—

" (1) Subject to the provisions of this section, a lump sum contribution shall be made at the time of his retirement by each person who has made a nomination under this Part of this Act ".

9. In section 63(1) the definition of " superannuation allowance " shall include a reference to any pension admissible under any enactment of the Indian or Pakistan Governments and calculated similarly to superannuation allowances under any of the Superannuation Acts.

10. For section 63(2) there shall be substituted the following provision:—

" (2) In this Act, the expression ' person with Indian or Pakistan service ' means a person serving in any capacity specified in Part III of Schedule 2 to the Pensions (India, Pakistan and Burma) Act 1955."

EXPLANATORY NOTE

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

These Rules apply with modifications such of the provisions of the Superannuation Act 1949 as relate to widows', children's and dependants' pensions to certain persons who had service in or connected with India or Pakistan but who did not later become established U.K. civil servants.

The Rules also enable certain persons who had service in or connected with India or Pakistan and who later became established U.K. civil servants to reckon that service for the purposes of such of the provisions of the Superannuation Act 1949 as relate to widows', children's and dependants' pensions.