



Superannuation Act 1965

1965 CHAPTER 74

PART II

SPECIAL PROVISIONS APPLICABLE TO CERTAIN MEMBERS OF THE DIPLOMATIC SERVICE WITH RESPECT TO SUPERANNUATION BENEFITS

45 Termination of service of certain members of the diplomatic service before retiring age.

- (1) Section 10 of this Act 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.
- (2) If—
 - (a) the employment in Her Majesty's diplomatic service of a member thereof is terminated before the retiring age, and
 - (b) the Secretary of State certifies that the termination of his employment is desirable in the public interest, having regard to his qualifications and the conditions existing in the service,

then, subject to subsection (3) of this section, a superannuation allowance and an additional allowance of the amount hereinafter provided may be granted to him notwithstanding section 1(1)(b) of this Act:

Provided that nothing in this section shall alter so much of the said section 1 as requires a service of ten years before a superannuation allowance can be granted.

- (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 this section 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.

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- (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 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) The amount of any superannuation allowance or additional allowance granted by virtue of this section shall be such amount as could have been granted to the member in question by way of that allowance under this Act apart from section 1(1)(b) thereof, together with such additional amount, if any, by way of special increase as may appear to the Treasury on the recommendation of the Secretary of State to be reasonable having regard to all the circumstances subject, however, to the following provisions of this section.
- (6) Any such special increase added to the superannuation allowance or additional allowance—
- (a) shall not be such as to bring the amount of that allowance up to an amount higher than that which could have been granted apart from any such increase if at the date of the termination of the employment of the member in question he had completed such reckonable service not exceeding forty years as he would have completed if he had continued in reckonable service in the same employment until he attained the age of sixty years ; and
 - (b) shall not exceed whichever is the higher of the following sums, that is to say,—
 - (i) a sum equal, in the case of the superannuation allowance, to one-twelfth or, in the case of the additional allowance, to three-twelfths of the amount of the salary and emoluments on which the superannuation allowance falls to be computed ;
 - (ii) such sum as may be required to make that allowance equal, in the case of the superannuation allowance, to three-twelfths or, in the case of the additional allowance, to nine-twelfths of the salary and emoluments aforesaid:

Provided that, for the purposes of any special increase added to the additional allowance granted to a person to whom immediately before the commencement of this Act section 4 of the Superannuation Act 1935 did not apply, other than a person to whom Part III of this Act becomes applicable or a person who duly makes a nomination within the meaning of Part IV of this Act, paragraph (a) of this subsection shall have effect as if for the reference therein to forty years there were substituted a reference to forty-five years.

- (7) If no special increase in respect of an additional allowance is payable to a person under subsection (5) of this section because that person is not eligible for an additional allowance, subsection (6)(b) of this section shall have effect, in relation to that person, 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 ".
- (8) Where in consequence of the grant to any person by virtue of this section of a superannuation allowance a pension may fall to be granted under Part III of this Act, to the widow, or under Part IV thereof, to a dependant, of that person and a special increase is added to that allowance, any amount which apart from this subsection would have been added to the additional allowance by way of special increase shall be abated—

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- (a) where such a pension to that person's widow may fall to be granted by one-third, and
 - (b) in respect of each nomination by that person under the said Part IV, by an amount equal to four-fifteenths of the appropriate percentage of the amount of the increase apart from this subsection.
- (9) In this section " the appropriate percentage ", in relation to any nomination under Part IV of this Act, means the percentage determined in accordance with section 66(4) of this Act to be the appropriate percentage for the purpose of a contribution in respect of that nomination under section 69 thereof.

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

- (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 on 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 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 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,
 - (c) the provisions of sections 24 and 25(2) of this Act shall be disregarded, and
 - (d) subject to paragraph (a) of this subsection, 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.

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

- (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

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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.

48 References to grades of diplomatic service may be modified, etc.

- (1) If there is any re-organisation of the grades of Her Majesty's diplomatic service, the Secretary of State may by order make such modifications of references in the foregoing provisions of this Part of this Act to those grades (including the references in section 47 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.
- (2) If any question arises under section 45 or section 47 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.