



Hong Kong (Overseas Public Servants) Act 1996

1996 CHAPTER 2

An Act to confer power to make provision for the making of payments to, and to permit early retirement by, certain Hong Kong overseas public servants; to authorise the provision of resettlement services to certain Hong Kong overseas public servants who retire early; and to confer power to make provision for the making in certain circumstances of payments to supplement pensions and gratuities paid to or in respect of retired overseas public servants in respect of service in Hong Kong. [29th February 1996]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. For the purposes of this Act a person is a Hong Kong overseas public servant at any time if at that time—

Hong Kong overseas public servants.

- (a) he is, or is treated by the Secretary of State as being, a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary, and
- (b) he is on the pensionable establishment of the government of the colony of Hong Kong.

2. Her Majesty may by Order in Council make provision for the making by the Secretary of State of payments to persons who—

Payments on entering service of Hong Kong SAR.

- (a) are Hong Kong overseas public servants throughout the period beginning with 1st May 1993 and ending with 30th June 1997, and
- (b) enter the service of the government of the Hong Kong Special Administrative Region on the ending of Her Majesty's sovereignty and jurisdiction over Hong Kong on 1st July 1997.

Early retirement
before 1st July
1997.

3.—(1) Her Majesty may by Order in Council make provision—

- (a) permitting early retirement during the relevant period by persons who are Hong Kong overseas public servants throughout the period beginning with 1st May 1993 and ending with their retirement, and
- (b) for the making by the Secretary of State of payments to persons who retire in accordance with the Order in Council.

(2) The Secretary of State may provide—

- (a) advice about suitable alternative employment, and
- (b) other resettlement services,

to persons who, having been Hong Kong overseas public servants throughout the period beginning with 1st May 1993 and ending with their retirement, retire early during the relevant period (whether or not in accordance with an Order in Council under subsection (1)).

(3) In this section “the relevant period” means the period beginning with 1st July 1996 and ending with 30th June 1997.

Pension
supplements.

4.—(1) Her Majesty may by Order in Council make provision for the making by the Secretary of State, in specified circumstances, of payments to supplement pensions and gratuities paid under any specified provision of the law of Hong Kong to or in respect of persons who—

- (a) have at any time been Hong Kong overseas public servants, or
- (b) have been on the pensionable establishment of the government of the colony of Hong Kong either as members of any of the relevant colonial Services or in specified circumstances.

(2) In subsection (1)(b) “the relevant colonial Services” means the Services listed in the Schedule to the Special Regulations constituting Her Majesty’s Overseas Civil Service which were appended to Colonial No. 306 (1954).

Payments under
Orders in Council.

5.—(1) An Order in Council under this Act may make provision for the amount of payments under the Order in Council to be determined in any specified manner.

(2) The manner of determining the amount of payments under such an Order in Council need not be similar to the manner of determining the amount of other overseas public service payments.

(3) The circumstances specified in an Order in Council under section 4 for the making of payments need not be similar to those for the making of other overseas public service payments.

(4) The references in subsections (2) and (3) to other overseas public service payments are to payments to public servants in connection with the ending of Her Majesty’s sovereignty or jurisdiction over any colony or other territory apart from Hong Kong.

(5) An Order in Council under section 2 or 3 may include provision authorising the Secretary of State to satisfy any liability to United Kingdom tax incurred by any person in respect of the making to him of a payment under the Order in Council.

6.—(1) An Order in Council under this Act—

Supplementary.

- (a) may make different provision in relation to different cases,
- (b) may except specified cases from any of its provisions, and
- (c) may contain provisions which are incidental or supplementary.

(2) An Order in Council under section 3 may provide that any specified provision of the Order in Council shall form part of the law of the colony of Hong Kong.

(3) In this Act “specified”, in relation to an Order in Council, means specified in the Order in Council.

(4) A statutory instrument containing an Order in Council under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

7. Any expenditure incurred by the Secretary of State under or by virtue of this Act shall be met out of money provided by Parliament.

Financial provision.

8. This Act may be cited as the Hong Kong (Overseas Public Servants) Act 1996.

Short title.

HMSO publications are available from:

HMSO Publications Centre

(Mail, fax and telephone orders only)

PO Box 276, London SW8 5DT

Telephone orders 0171 873 9090

General enquiries 0171 873 0011

(queuing system in operation for both numbers)

Fax orders 0171 873 8200

HMSO Bookshops

49 High Holborn, London WC1V 6HB

(counter service only)

0171 873 0011 Fax 0171 831 1326

68-69 Bull Street, Birmingham B4 6AD

0121 236 9696 Fax 0121 236 9699

33 Wine Street, Bristol BS1 2BQ

0117 9264306 Fax 0117 9294515

9-21 Princess Street, Manchester M60 8AS

0161 834 7201 Fax 0161 833 0634

16 Arthur Street, Belfast BT1 4GD

01232 238451 Fax 01232 235401

71 Lothian Road, Edinburgh EH3 9AZ

0131 228 4181 Fax 0131 229 2734

The HMSO Oriel Bookshop,

The Friary, Cardiff CF1 4AA

01222 395548 Fax 01222 384347

The Parliamentary Bookshop

12 Bridge Street, Parliament Square,

London SW1A 2JX

Telephone orders 0171 219 3890

General enquiries 0171 219 3890

Fax orders 0171 219 3866

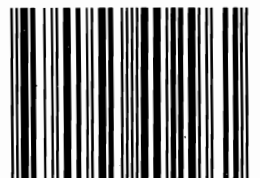
HMSO's Accredited Agents

(see Yellow Pages)

And through good booksellers

LONDON: HMSO

ISBN 0-10-540296-6



9 780105 402961