
STATUTORY INSTRUMENTS

1967 No. 364

The Superannuation (Public Offices) Rules 1967

PART II

WIDOWS', CHILDREN'S AND DEPENDANTS' PENSIONS

Application and interpretation of Part II

7.—(1) Where a person—

- (a) dies after he has become eligible for a pension under Part I of these Rules; or
- (b) dies while still serving in a public office or in other employment approved for the purposes of the superannuation scheme applicable to the last public office in which he was employed, or while still serving, during such a period as is described in Rule 1(3)(ii) of these Rules, in an office which has ceased to be a public office, and would, if he had then retired on a medical certificate, have been eligible for a pension under Part I of these Rules; or
- (c) dies after having ceased to be employed in a public office or in such approved employment as aforesaid, or in such office which has ceased to be a public office as aforesaid, in such circumstances that, on attaining a particular age, he would or might have become eligible for a pension under Part I of these Rules;

and the superannuation scheme applicable to him in any of the public offices in which he was continuously employed provides for the payment on his death of pensions to his widow, children or other dependants, the provisions of this Part of these Rules shall have effect in relation to any such pension which may be paid in respect of his service in any of those public offices.

(2) In this Part of these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“approved employment”, in relation to an officer, means employment (not being employment in a public office) approved for the purposes of the superannuation scheme applicable to the last public office in which he was employed;

“contributing authority”, in relation to any service of an officer in the civil service of the State, means the Treasury, and, in relation to any other service of an officer in a public office, means the authority administering the superannuation scheme applicable to that public office, being an authority in respect of whom the following conditions are satisfied—

- (a) the authority has, before the date of death or final retirement of the officer, adopted a system of superannuation whereunder provision is made for the payment, on the death of the officer, of pensions to his widow and children; and
- (b) arrangements have been made with the authority which, in the opinion of the Treasury, ensure that the total amount of the award of any widow's or children's pension which may be granted on the death of the officer shall be apportioned between that authority and other authorities contributing thereto in like proportions that an award of pension under Rule 3 of these Rules would or might have fallen to be apportioned among them on the officer's final retirement;

“contributing service” means any period of service rendered by an officer in a public office to which a superannuation scheme administered by a contributing authority is applicable, and “non-contributing service” shall be construed accordingly;

“ex-public office employment”, in relation to an officer, means employment, during such a period as is described in Rule 1(3)(ii) of these Rules, in an office which has ceased to be a public office;

“officer” means a person who fulfils the conditions in sub-paragraph (a), (b) or (c) of paragraph (1) of this Rule.

Widows' and children's pensions in respect of contributing service

8.—(1) Where an officer's continuous service in public offices includes one or more periods of contributing service, then—

- (a) if the last or only period of contributing service was service as a civil servant, Part III of the Superannuation Act 1965 shall apply, subject to the modifications specified in this Rule, in relation to any widow's or children's pension payable in respect of the officer's contributing service; and
- (b) in any other case, the superannuation scheme applicable to the last or only period of his contributing service shall apply, subject to modifications corresponding to those specified in this Rule, in relation to any widow's or children's pension payable in respect of the officer's contributing service.

(2) Any widow's or children's pension granted in respect of an officer's contributing service shall, where there have been two or more periods of such service, be payable by the contributing authority under whom he last served.

(3) In the application of Part III of the Superannuation Act 1965 to an officer any reference in section 50 of that Act—

- (a) to a superannuation allowance shall be construed as including a reference to the corresponding pension under Part I of these Rules;
- (b) to the deceased's serving as a civil servant shall be construed as including a reference to his serving in a public office (not in the civil service of the State) or in approved employment or in ex-public office employment; and
- (c) to the deceased's having ceased to be a civil servant shall be construed as including a reference to his having ceased to be employed in a public office (not in the civil service of the State) or in approved employment or in ex-public office employment.

(4) For the purpose of calculating the annual rate of any widow's or children's pensions in respect of an officer's contributing service, the expression “the rate of the superannuation allowance of the deceased” in Part III of the Superannuation Act 1965 shall be construed as meaning the annual rate of the pension for which the officer would have been eligible, under Part I of these Rules, if that part of his service which was non-contributing service had been left out of account.

(5) The total amount of the award of widow's and children's pensions in respect of an officer's contributing service shall be apportioned among the contributing authorities in the like proportions that the pension referred to in the last preceding paragraph would, or might, have fallen under Part I of these Rules to be apportioned among them upon the officer's final retirement.

(6) Section 56 of the Superannuation Act 1965 shall apply in relation to an officer as if any reference therein—

- (a) to periodical contributions included a reference to similar contributions made to a contributing authority; and

(b) to a person's ceasing to be a civil servant were a reference to his ceasing to be employed in a public office or in approved employment or in ex-public office employment.

(7) Section 57 of the Superannuation Act 1965 shall apply in relation to an officer as if any reference therein—

(a) to an additional allowance or a gratuity under section 4 of that Act were a reference to the corresponding allowance under Part I of these Rules or a gratuity under Rule 11 of these Rules;

(b) to periodical contributions included a reference to similar contributions made to a contributing authority;

(c) to a person's ceasing to be a civil servant were a reference to his ceasing to be employed in a public office or in approved employment or in ex-public office employment; and

(d) to reckonable service were a reference to contributing service.

(8) The contribution falling to be made under section 57 of the Superannuation Act 1965 (as modified by the last preceding paragraph) shall be apportioned among the contributing authorities in the like proportions that the award of widow's and children's pensions falls under paragraph (5) of this Rule to be apportioned among them.

(9) Where an officer's service in the last public office in which he was employed was not contributing service, the widow's and children's pensions payable on his death, and the contributions falling to be made under section 57 of the Superannuation Act 1965 (as modified by paragraph (7) of this Rule) or the corresponding provision (as so modified) of the superannuation scheme applicable to his employment under a contributing authority (not in the civil service of the State), shall be calculated and apportioned among the contributing authorities under whom he served as if he had died on the date when he was transferred from the service of the contributing authority under whom he was last employed.

(10) In the case of an officer in respect of whom the following conditions are fulfilled—

(a) that he became employed in non-contributing service after 14th July 1949; and

(b) that immediately before he became so employed he was a civil servant to whom Part III of the Superannuation Act 1965 applied, or was employed under a contributing authority (not in the civil service of the State) and the provisions corresponding to the said Part III applied to him under the superannuation scheme administered by that contributing authority; and

(c) that he died in non-contributing service; and

(d) that, within twelve months after his death or such longer period as the contributing authority under whom he last served may allow in any particular case, there has been paid to that contributing authority a sum equal to the amount of the contribution which would have fallen to be made in respect of him under section 57 of the Superannuation Act 1965 or the corresponding provision of the superannuation scheme administered by the contributing authority, as the case may be, if he had died on the last day on which he last served under a contributing authority;

the contributing authority under whom he last served may grant in respect of him such widow's pension and children's pension as might have been granted if he had died on the last day on which he last served under that contributing authority.

(11) Where only part of any sum falling to be paid under sub-paragraph (d) of the last preceding paragraph is paid within the period specified therein, any widow's or children's pension which would, if the whole of the said sum had been paid, have been payable under Part III of the Superannuation Act 1965 (as modified by this Rule), or under the corresponding provisions (as so modified) of the superannuation scheme administered by the contributing authority under whom the officer last served, shall be reduced so as to bear to the full amount thereof the same proportion as the sum paid bears to the total sum falling to be paid.

- (12) Notwithstanding anything in paragraph (10) or (11) of this Rule—
- (a) a payment made under sub-paragraph (d) of the said paragraph (10) shall be ineffective for the purposes of the said paragraphs (10) and (11) unless either a widow's pension or a children's pension can be paid in respect of the officer's contributing service at a rate equal to at least six pounds ten shillings per annum; and
 - (b) where a payment is ineffective under the preceding sub-paragraph, the amount thereof shall be repaid.

Widows' and children's pensions in respect of non-contributing service

9. Where an officer's continuous service in public offices includes any period of non-contributing service, then for the purpose of any widow's or children's pension payable in respect of him under the superannuation scheme applicable to that service—

- (a) any pension for which the officer would have been eligible, or, as the case may be, for which he would or might have become eligible, under Rule 5 of these Rules in respect of that service shall be treated as if it were a pension payable under that scheme; and
- (b) if the officer has died in a subsequent period of service in a public office or approved employment or ex-public office employment, he shall be deemed to have died on the last day of the said period of non-contributing service.

Dependants' pensions

10.—(1) Where an officer has, under Part IV of the Superannuation Act 1965 or under the corresponding provisions of any superannuation scheme applicable to his employment under such an authority as is specified in paragraph (3)(c) of this Rule, nominated a dependant for whose benefit a pension may be granted after the officer's death, then the said Part IV shall have effect in relation to the officer subject to the modifications specified in this Rule, or, as the case may be, the corresponding provisions of the said superannuation scheme shall have effect in relation to him subject to modifications corresponding to those specified in this Rule.

(2) For the purpose of calculating the annual rate of any pension payable under Part IV of the Superannuation Act 1965 on the death of an officer, the expression “the rate of the superannuation allowance of the nominator” in the said Part IV shall be construed as meaning the annual rate of the pension for which the officer would or might have become eligible under Part I of these Rules if the aggregate of the periods of his service mentioned in the next following paragraph, and no other periods of service, had been or were to be taken into account for the purpose of an award under Part I of these Rules.

- (3) The periods of service mentioned in the last preceding paragraph are—
- (a) any period of his service in the civil service of the State which is reckonable under the Superannuation Act 1965 as service in the capacity of a civil servant;
 - (b) any period of service in a public office which terminated prior to the date when the officer made a nomination under Part IV of the Superannuation Act 1965 and in respect of which the authority under whom he served in that public office has agreed to pay such proportion of the award of pension under the said Part IV as is specified in the next following paragraph of this Rule; and
 - (c) any period of service, beginning after the officer made a nomination under the said Part IV, in a public office under an authority which has adopted a system of superannuation whereunder provision is made for the payment of pensions to persons of the classes specified in section 70 of the Superannuation Act 1965 and for the making by that officer of contributions towards the cost of that system.

(4) The total amount of the award of pension under Part IV of the Superannuation Act 1965 as modified by this Rule shall be apportioned among the authorities administering the superannuation schemes applicable to the officer during the periods specified in sub-paragraphs (a), (b) and (c) of the last preceding paragraph in the like proportions that the pension mentioned in paragraph (2) of this Rule would or might have fallen under Part I of these Rules to be apportioned among them upon the officer's final retirement.

(5) Section 68 of the Superannuation Act 1965 shall apply in relation to an officer as if any reference therein—

- (a) to periodical contributions included a reference to similar contributions made to an authority administering the superannuation scheme applicable to a public office; and
- (b) to a person's ceasing to be a civil servant were a reference to his ceasing to be employed in a public office or in approved employment or in ex-public office employment.

(6) Section 69 of the Superannuation Act 1965 shall apply in relation to an officer as if any reference therein—

- (a) to an additional allowance or a gratuity under section 4 of that Act were a reference to the corresponding allowance under Part I of these Rules or a gratuity under Rule 11 of these Rules;
- (b) to periodical contributions included a reference to similar contributions made to an authority administering the superannuation scheme applicable to a public office;
- (c) to a person's ceasing to be a civil servant were a reference to his ceasing to be employed in a public office or in approved employment or in ex-public office employment; and
- (d) to reckonable service were a reference to service which is to be taken into account pursuant to paragraph (2) of this Rule.

(7) The contribution falling to be made under section 69 of the Superannuation Act 1965 (as modified by the last preceding paragraph) shall be apportioned among the authorities mentioned in paragraph (4) of this Rule in the like proportions that the award of pension falls under that Rule to be apportioned among them.