

Superannuation Act, 1887.

[50 & 51 VICT. CH. 67.]

ARRANGEMENT OF SECTIONS.

A.D. 1887.

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SCHEDULE.



CHAPTER 67.

An Act to amend the Superannuation Acts, 1834 and 1859; and for other purposes. [16th September 1887.] A.D. 1887. —

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.—(1.) Where a person employed in the civil service of the state is injured—

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) by some injury specifically attributable to the nature of his duty,

Grant of gratuity or allowance to injured civil servant.

the Treasury may grant to him, or, if he dies from the injury, to his widow, his mother, if wholly dependent on him at the time of his death, and to his children, or to any of them, such gratuity or annual allowance as the Treasury may consider reasonable, and as may be permitted by the terms of a warrant under this section.

(2.) The Treasury shall forthwith after the passing of this Act frame a warrant regulating the grant of gratuities and annual allowances under this section, and the warrant so framed shall be laid before Parliament.

(3.) Provided that a gratuity under this section shall not exceed one year's salary of the person injured, and an allowance under this section shall not, together with any superannuation allowance to which he is otherwise entitled, exceed the salary of the person injured, or three hundred pounds a year, whichever is less.

2.—(1.) Where a civil servant is removed from his office on the ground of his inability to discharge efficiently the duties of his office, and a superannuation allowance cannot lawfully be granted to him under the Superannuation Acts, 1834 and 1859, and the Treasury think that the special circumstances of the case justify the grant to him of a retiring allowance, they may grant to him such retiring allowance as they think just and proper, but in no case exceeding the amount for which his length of service would

Power to grant retiring allowance to persons removed.

A.D. 1887. — qualify him under sections two and four of the Superannuation Act, 1859, without any addition under section seven of that Act.

(2.) A minute of the Treasury granting an allowance under this section to any civil servant shall set forth the amount of the allowance granted to him, and the reasons for such allowance, and shall be laid before Parliament: Provided that the Treasury before making the grant shall consider any representation which the civil servant removed may have submitted to them.

Reckoning of temporary services.

3. Where a person at the time he becomes a civil servant within the meaning of this Act is serving the State in a temporary capacity, the Treasury may, if in their opinion any special circumstances of the case warrant such a course, direct that his service in that capacity may be reckoned for the purposes of the Superannuation Acts, 1834 and 1859, and this Act, as service in the capacity of a civil servant, and it shall be so reckoned accordingly.

Compassionate gratuity on retirement of person not entitled to superannuation.

4. If a person employed in any public department in a capacity in respect of which a superannuation allowance cannot be granted under the Superannuation Act, 1859, retires, or is removed from his employment, and

(a.) the employment is one to which he was required to devote his whole time, and

(b.) the remuneration for the employment was paid entirely out of moneys provided by Parliament, and

(c.) he has served in the employment for not less than seven years, if he is removed in consequence of the abolition of his employment, or for the purpose of facilitating improvements in the organisation of the department by which economy can be effected, or for not less than fifteen years if his retirement is caused from infirmity of mind or body, permanently incapacitating him from the duties of his employment,

the Treasury may, if they think fit, grant to him a compassionate gratuity not exceeding one pound or one week's pay, whichever is the greater, for each year of his service in his employment.

Provision against double pensions.

5. A person shall not be entitled to reckon the same period of time both for the purpose of a superannuation allowance under the Superannuation Acts, 1834 and 1859, and this Act, and also for the purpose of naval or military non-effective pay.

Regulations as to officers receiving half-pay or retired pay.

6.—(1.) The Treasury may, within one month after the passing of this Act, frame rules as to the conditions on which any civil employment of profit under any public department as defined by this Act, or any employment of profit under the Government of any British possession, or any employment under the Government of any Foreign State may be accepted or held by any person who is in receipt of or has received any sum granted by Parliament for the pay, half-pay, or retired pay of officers of Her Majesty's naval or land forces, or otherwise for payment for past service in either of such forces, or who has commuted the right to receive the same, and as to the effect of such acceptance or holding on the said pay

or sum, and the Treasury may in such rules provide for the enforcement thereof by the forfeiture, suspension, or reduction of any such pay or sum as aforesaid, or of any commutation money or remuneration for such employment.

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(2.) Such rules shall also provide for the returns to be laid before Parliament of such officers accepting employment as are affected by the rules, and shall come into operation at the date of the passing of this Act.

(3.) The rules shall be laid before both Houses of Parliament forthwith.

(4.) For the purposes of this section "British possession" means any part of Her Majesty's dominions out of the United Kingdom, and this section shall apply to Cyprus as if it were a British possession.

7.—(1.) Where any sum in respect of pay, pension, superannuation, or other allowance or annuity is due in respect either of service as a civil servant, or of military or naval service, to a person who is a lunatic, whether so found by inquisition or not, such sum may be from time to time applied for his benefit by the prescribed public department in such manner as the department think expedient.

Provision as to lunatics.

(2.) Where any annuity, whether pension, superannuation, or other allowance, is payable out of moneys provided by Parliament to a person in respect either of service as a civil servant or of military or naval service, and such person is or becomes a lunatic towards whose maintenance a contribution is made out of money provided by Parliament, then as long as the contribution is made his annuity shall be reduced by an amount equal to that contribution, and if the amount of the contribution exceeds the amount of the annuity, the annuity shall cease to be payable.

8. On the death of a person to whom any sum not exceeding one hundred pounds is due from a public department in respect of any civil pay, superannuation, or other allowance, annuity or gratuity, then, if the prescribed public department so direct, but subject to the regulations (if any) made by the Treasury, probate or other proof of the title of the personal representative of the deceased person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the public department to be beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or in case of the illegitimacy of the deceased person or his children, to or among such persons as the department may think fit, and the department shall be discharged from all liability in respect of any such payment or distribution.

Distribution of money not exceeding 100*l.* without probate.

9. The decision of the Treasury on any question which arises as to the application of any section of this Act to any person, or as to the amount of any allowance or gratuity under this Act, or as to the reckoning of any service for such allowance or gratuity, shall be final.

Decision of Treasury.

- A.D. 1887.** **10.** Nothing in this Act shall be construed so as in any way to interfere with the rights existing at the passing of this Act of any civil servant then holding office.
- Saving for existing interests.**
Laying of warrant and minutes before Parliament. **11.** Every warrant and minute under this Act which is required to be laid before Parliament shall be laid before both Houses of Parliament in manner provided by section thirteen of the Superannuation Act, 1859.
- Definitions.** **12.** In this Act, unless the context otherwise requires,—
The expression “civil servant” means a person who has served in an established capacity in the permanent civil service of the State within the meaning of section seventeen of the Superannuation Act, 1859:
The expression “Treasury” means the Commissioners of Her Majesty’s Treasury.
The expression “public department” means the Treasury, the Commissioners for executing the office of Lord High Admiral, and any of Her Majesty’s Principal Secretaries of State, and any other public department of the Government; and the expression “prescribed public department” means, as respects any matter, the department prescribed for the purpose of that matter by the Treasury.
- 22 Vict. c. 29.**
- Short titles.** **13.** The Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter twenty-four, intituled “An Act to alter, amend, and consolidate the laws for regulating the pensions, compensations, and allowances to be made to persons in respect of their having held civil offices in His Majesty’s service,” is in this Act referred to and may be cited as the Superannuation Act, 1834, and that Act and the Superannuation Act, 1859, are together in this Act referred to as the Superannuation Acts, 1834 and 1859.
The said Acts and this Act may be cited together as the Superannuation Acts, 1834 to 1887, and this Act may be cited separately as the Superannuation Act, 1887.
- Repeal.** **14.** The Acts set forth in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned as from the passing of this Act, without prejudice to anything previously done or suffered in pursuance of the enactments hereby repealed.

SCHEDULE.

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ACTS REPEALED.

Section 14.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
4 & 5 Will. 4. c. 24. -	An Act to alter, amend, and consolidate the laws for regulating pensions, compensations, and allowances to be made to persons in respect of their having held civil offices in His Majesty's service.	Section sixteen.
6 & 7 Will. 4. c. 13. -	An Act to consolidate the laws relating to the constabulary force in Ireland.	Section thirty.
7 Will. 4. & 1 Vict. c. 25. -	An Act to make more effectual provisions relating to the police in the district of Dublin metropolis.	Section nineteen.
2 & 3 Vict. c. 47. -	An Act for further improving the police in and near the metropolis.	Section nineteen.
2 & 3 Vict. c. 93. -	An Act for the establishment of county and district constables by the authority of justices of the peace.	Section eleven.
22 Vict. c. 26. -	The Superannuation Act, 1859	Section five.
22 & 23 Vict. c. 32. -	An Act to amend the law concerning the police in counties and boroughs in England and Wales.	Section twenty-seven.
31 & 32 Vict. c. 90. -	An Act to empower certain public departments to pay otherwise than to executors or administrators small sums due on account of pay or allowances to persons deceased.	The whole Act.
33 & 34 Vict. c. 96. -	An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-one, and to appropriate the supplies granted in this session of Parliament.	Subsections four, five, and six of section six.
35 & 36 Vict. c. 12. -	The Superannuation Act, 1872	The whole Act.

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