



Superannuation (Miscellaneous Provisions) Act 1967

1967 CHAPTER 28

4 **Governors' pensions.**

- (1) Subsection (3) of section 1 of the Governors' Pensions Act 1957 (which specifies the circumstances in which a Governor is eligible for a pension under that Act) shall have effect subject to the following amendment (being an amendment to remove any doubt arising from the provision made by subsection (2) of that section that references in that Act to a Governor include, except where the context otherwise requires, references to a person who has been a Governor), that is to say, for paragraphs (a) to (c) of the said subsection (3) there shall be substituted the following:—
 - “(a) he retires from service as a Governor after attaining the age of fifty ; or
 - (b) having retired from service as a Governor before attaining that age, he subsequently attains that age; or
 - (c) while serving as a Governor, he has in the opinion of the Secretary of State become incapable of discharging the duties of his office by reason of some infirmity of mind or body which is likely to be permanent; or
 - (d) while serving as a Governor, his office is abolished.”
- (2) For the purposes of the grant of a pension under the said Act of 1957 to a Governor who is eligible therefor by reason of the abolition of his office, his office shall be deemed not to have been abolished until the termination of any period of leave to which he had become entitled while in office and in respect of which he is paid a salary attributable to his service as a Governor by the government of the territory of which he was a Governor.
- (3) For the purposes of section 2(2) of the said Act of 1957 (which provides, in the case of a Governor who was previously employed in the overseas civil service, for calculating his pension by reference to the completed months of his service in the overseas civil service as well as of his service as a Governor), no account shall be taken of any period of service in the overseas civil service in respect of which he was in receipt of a pension during his service as a Governor.

- (4) In section 4 of the said Act of 1957 (which relates to a case where a person to whom a pension has been granted under that Act becomes entitled to any salary or emolument in respect of certain public employment) for the words from " the pension " onwards (which provide for the pension to be reduced by one-half of the amount of any such salary or emolument other than another pension) there shall be substituted the words " then, unless or except to the extent that the Secretary of State with the consent of the Treasury determines otherwise—
- (a) for any period for which that salary or emolument is not less than his salary at the end of the service in respect of which the pension was granted, the pension shall cease to be paid ;
 - (b) for any period for which that salary or emolument is less than his salary at the end of that service but the amount of the pension exceeds the amount of the difference, the pension shall be reduced by the amount of the excess."
- (5) Where, in pursuance of rules under section 14 of the said Act of 1957 (which relates to the allocation of part of a pension under that Act to a spouse or dependant), a person has surrendered a part of a pension granted to him under that Act in return for the benefits of the rules, then, if for any period the amount of the pension payable apart from the surrender is, by virtue of section 4 of that Act, less than the amount of the part surrendered, the Treasury shall be entitled to recover from that person in respect of that period, whether by deduction from his salary or emolument in the employment by reason of which the pension is reduced under the said section 4 or otherwise, an amount equal to the part so surrendered or, as the case may be, to the difference between that part and so much of the pension as, apart from the surrender, is payable for that period.
- (6) Where a Governor who is, or subject to attaining the age of fifty will be, eligible for a pension under the said Act of 1957 becomes employed in the home civil service in an established capacity within twelve months or such longer period as the Treasury may in any particular case allow after ceasing to serve as a Governor, he may elect that, instead of his being granted a pension under the said Act of 1957, the Superannuation Act 1965 shall apply to him as if his service as a Governor had been passed in the home civil service.
- (7) An order by the Treasury under subsection (3) of section 3 or subsection (2) of section 9 of the said Act of 1957 specifying for the purposes of the said section 3 or 9 another sum to be substituted for that referred to in subsections (1) and (2) of the said section 3 or, as the case may be, in subsection (1) of the said section 9 in connection with the maximum amount of a Governor's pension or of the gratuity payable in respect of a Governor's death, as the case may be, may be made so as to have effect from a date earlier than the date of the making of the order.
- (8) Any expression used in this section which is also used in the said Act of 1957 shall have the same meaning for the purposes of this section as it has for the purposes of that Act.