



ANALYSIS

- | | |
|---|--|
| <p>Title</p> <p>1. Short Title and commencement</p> <p style="text-align: center;">PART I</p> <p style="text-align: center;">PRELIMINARY</p> <p>2. Interpretation</p> <p style="padding-left: 2em;"><i>Government Superannuation Board</i></p> <p>3. Government Superannuation Board</p> <p>4. Representation of absent members</p> <p>5. Procedure of Board</p> <p>6. Superintendent of the Fund</p> <p>7. Deputy Superintendent of the Fund</p> <p>8. Secretary and other officers</p> <p>9. Board may delegate functions to Superintendent</p> <p>10. Board may use Departmental services</p> <p>11. Discretionary powers of Board</p> <p>12. Board to comply with directions of Government</p> <p style="padding-left: 2em;"><i>Government Superannuation Fund</i></p> <p>13. Government Superannuation Fund</p> <p>14. Moneys payable into Fund</p> <p>15. Government Superannuation Fund Account</p> <p>16. Payment of administration expenses and money out of Fund</p> <p>17. Investment of Fund</p> <p>18. Exemption from taxation</p> <p>19. Audit of accounts</p> <p style="text-align: center;">PART II</p> <p style="text-align: center;">GOVERNMENT SERVICE SUPERANNUATION</p> <p>20. This Part not to apply to certain persons</p> <p style="padding-left: 2em;"><i>Contributors</i></p> <p>21. Contributors to the Fund</p> <p>22. Election by employee to become a contributor</p> <p>23. Contributor may elect to contribute in respect of any prior part of continuous service</p> | <p>24. Election to contribute in respect of previous contributory service</p> <p>25. Election to contribute in respect of previous service as contributing employee under a National Provident Fund scheme</p> <p>26. General provisions as to elections to become contributors</p> <p>27. Continuity of service</p> <p>28. Right to cease to be a contributor</p> <p style="text-align: center;"><i>Contributions</i></p> <p>29. Contributions to be deducted from salary</p> <p>30. Elections to contribute on sixty per cent basis</p> <p>31. Other contributions</p> <p>32. Contributions while salary temporarily stopped</p> <p>33. Election to contribute on higher salary in case of reduction</p> <p style="text-align: center;"><i>Benefits of the Fund</i></p> <p>34. Application of Fund</p> <p>35. Retiring allowance</p> <p>36. Retiring allowance when contributor medically unfit for further duty</p> <p>37. Increasing allowance for contributor retiring in consequence of injuries</p> <p>38. Computation of retiring allowances on average salary for last five years of service</p> <p>39. Proportionate reduction in contributory service if full contributions not paid</p> <p>40. Election of variable retiring allowance to secure a level income</p> <p>41. Election to receive refund of contributions instead of retiring allowance</p> <p>42. Refund of contributions on retiring before entitled to retiring allowance</p> <p>43. Election to continue contributory service after retirement</p> <p>44. Re-employment of contributor after retiring on allowance</p> <p>45. Death of male contributor</p> |
|---|--|

- 46. Death of female contributor
- 47. Children's allowances
- 48. Annual allowances to widows or approved dependants in consideration of election to accept reduced retiring allowances
- 49. Payments to personal representatives

Cook Islands Public Service and Western Samoan Public Service

- 50. Provisions as to permanent officers becoming contributors
- 51. Computation of contributory service

Education Service

- 52. Contributors entitled to pensions from University
- 53. Teachers in endowed colleges or schools
- 54. Teachers serving in Fiji or Tonga

Employees of Service Organisations

- 55. Employees of service organisations

Allowances

- 56. Allowances may be declared to be salary
- 57. Refund of contributions on allowances no longer included in salary
- 58. Value of benefits for house, board, or lodging may be added to salary

Miscellaneous Provisions

- 59. Computation of salaries of overseas representatives and their officers
- 60. Contributions to Fund may be applied in restitution of public money misappropriated by contributor
- 61. Power to postpone superannuation rights of members of Parliament

PART III

SUPERANNUATION OF MEMBERS OF ARMED FORCES

- 62. Interpretation
- 63. Application of Part II to permanent members of regular forces
- 64. Provisions as to permanent members becoming contributors
- 65. Election to contribute in respect of previous service in Her Majesty's forces
- 66. Provisions as to previous contributory service otherwise than in Her Majesty's forces
- 67. General provisions as to elections
- 68. Retiring allowance of permanent members compulsorily retired
- 69. Retiring allowance when contributing member medically unfit for further duty
- 70. Contributors entering Government service after retirement from regular forces
- 71. Effect of loss of pay through punishment

PART IV

SUPERANNUATION OF MAGISTRATES AND MAORI LAND COURT JUDGES AND THE SOLICITOR-GENERAL

- 72. Application of Part II to Magistrates and Maori Land Court Judges and the Solicitor-General
- 73. Magistrates and Maori Land Court Judges and Solicitor-General to be entitled to retiring allowances
- 74. Election to remain an ordinary contributor

PART V

SUPERANNUATION OF JUDGES

- 75. Interpretation
- 76. Retiring allowances of Judges
- 77. Election to contribute for widow's annuity
- 78. Contributions
- 79. Annuity to widow or refund of contributions on death of contributor
- 80. Refund of contributions where Judge unmarried after retirement
- 81. Appropriation of payments

PART VI

PARLIAMENTARY SUPERANNUATION

- 82. Interpretation
- 83. Contributions by members
- 84. Retiring allowance of members
- 85. Election to receive refund of contributions
- 86. Re-election as a member after retiring on allowance
- 87. Annuity to widow or refund of contributions on death of member
- 88. Appropriation of payments

PART VII

GENERAL PROVISIONS

- 89. Payment of retiring allowances and annuities
- 90. Recovery of money paid without lawful authority
- 91. Election to surrender proportion of retiring allowance and receive cash payment
- 92. Retiring allowances not alienable
- 93. Annual report and accounts
- 94. Actuarial examinations of Fund
- 95. Annual subsidies from Government, and from funds or accounts out of which contributors' salaries are paid
- 96. Offences
- 97. Regulations
- 98. Reciprocal arrangements with other Commonwealth Governments or other bodies
- 99. Repeals and savings Schedule

1956, No. 47

An Act to consolidate and amend the law relating to superannuation
[25 October 1956]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Superannuation Act 1956.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-seven.

PART I
PRELIMINARY

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Board” means the Government Superannuation Board established under this Act:

“Commonwealth” means the British Commonwealth of Nations; and includes every territory for whose international relations the Government of any country of the Commonwealth is responsible:

“Contributor” means a contributor to the Fund:

“Contributory service”, in relation to any contributor, means any period in respect of which he has been or is deemed by virtue of any enactment to have been a contributor to the Fund, or to any Superannuation Fund abolished by the Superannuation Act 1947, not being a period in respect of which his contributions have been refunded to him and not repaid to the Fund or to any such abolished Fund:

“Controlling authority”, in relation to a contributor under the control of the Public Service Commission, means that Commission; and, in relation to a contributor employed in the Education service, means the Director of Education; and, in any other case, means the Permanent Head of the Department concerned:

“Department” means any branch of the Government service that is administered separately:

“Education service” means service for not less than twenty hours a week—

(a) Under an Education Board established under the Education Act 1914; or

(b) Under the governing body of a secondary school or a combined school; or

(c) Under the managers or the controlling authority of a technical school under Part VIII of the Education Act 1914; or

(d) Under the University of New Zealand or under any college of that University; or

(e) Under the Department of Education in the case of Inspectors of Schools, or of teachers of any schools under the control of that Department; or

(f) Under the governing body of any kindergarten recognised for the purposes of this Act by the Minister of Education—

and includes training as a student at a training college established under the Education Act 1914; and also includes training for the purpose of qualifying as a manual, commercial, kindergarten, or other teacher at an institution recognised for the purposes of this Act by the Minister of Education:

“Endowed college or school” means any educational institution which is not established under the Education Act 1914, but is maintained wholly or partly by grants from public moneys or by the proceeds of public endowments granted by the Crown, and is for the time being approved by the Minister of Education for the purposes of this Act:

“Fund” means the Government Superannuation Fund established under this Act:

“Government service” means the service of Her Majesty in respect of the Government of New Zealand, not being honorary service; and includes the Education service and the Cook Islands Public Service and the Western Samoan Public Service; and also includes service under the State Advances Corporation of New Zealand before as well as after the fifteenth day of June, nineteen hundred and thirty-six (being the date of the commencement of the State Advances Corporation Act 1936); but, subject to subsection two of this section, does not include service in any of Her Majesty’s forces except as a permanent member of the regular forces within the meaning of Part III of this Act.

“Salary”, in relation to any contributor, means the salary or wages paid in respect of his service; and includes

REF. 1960
No. s.
Substitutn.

AMD. 1960
No. s.

the allowance paid to a student at a training college, or a library school; but, except as otherwise provided by or under this Act, does not include any allowances or any payments for overtime:

“Service organisation” means any organisation that is for the time being approved by the Minister of Finance for the purposes of this Act, and consists wholly or substantially of persons who are employed by the Government or are contributors to the Fund:

“Superintendent” means the Superintendent of the Fund; and includes any person for the time being authorised to exercise or perform any of the powers, duties, or functions of the Superintendent.

(2) Subject to the consent of the Board in each case or class of cases, the term “Government service” shall be deemed to include—

- (a) Any training as the holder of a scholarship or bursary approved for the purposes of this paragraph by a controlling authority:
- (b) Any training as a student at a library school:
- (c) Any service or training performed or undergone by a contributor before or after he became a contributor:
- (d) Any service in any of Her Majesty’s forces:

Provided that this subsection shall not apply with respect to any contributor who retired before the fifth day of December, nineteen hundred and fifty-one.

Cf. 1947, No. 57, s. 2; 1948, No. 79, ss. 2, 3 (1); 1950, No. 94, s. 2; 1951, No. 65, ss. 2, 6; 1953, No. 61, s. 2; 1955, No. 107, s. 3

Government Superannuation Board

3. Government Superannuation Board—(1) For the purposes of this Act there shall be a Board, to be called the Government Superannuation Board.

- (2) The Board shall consist of—
 - (a) The Minister of Finance (who shall be the Chairman):
 - (b) The Secretary to the Treasury (who shall be the Deputy Chairman):
 - (c) The Chairman of the Public Service Commission:
 - (d) The General Manager of Railways:
 - (e) The Director of Education:
 - (f) The Director-General of the Post and Telegraph Department:
 - (g) The Commissioner of Police:

- (h) Six members (being contributors to the Fund) to be appointed by the Governor-General, on the recommendation of the Minister of Finance, as staff representatives.
- (3) Of the staff representatives—
 - (a) One shall be appointed on the nomination of the New Zealand Public Service Association Incorporated:
 - (b) One shall be appointed on the joint nomination of those service organisations that in the opinion of the Minister of Finance represent persons employed in the Government Railways Department or, in default of a joint nomination, after consultation by the Minister with each of those organisations:
 - (c) One shall be appointed on the joint nomination of those service organisations that in the opinion of the Minister of Finance represent persons employed in the Education service or, in default of a joint nomination, after consultation by the Minister with each of those organisations:
 - (d) One shall be appointed on the nomination of the New Zealand Post and Telegraph Association Incorporated:
 - (e) One shall be appointed on the joint nomination of the New Zealand Police Association Incorporated, and of representatives of the commissioned officers of the Police Force, or in default of a joint nomination, after consultation by the Minister with that organisation and with those representatives:
 - (f) One shall be appointed on the nomination of the Minister of Defence to represent permanent members of the regular forces.

(4) Except as provided in subsection five of this section, every member of the Board who is a staff representative shall be appointed for a term of three years, but may from time to time be reappointed, or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister of Finance.

(5) If any member of the Board who is a staff representative dies, is removed from office, or resigns, the vacancy so created shall be filled in the manner prescribed by subsection three of this section for appointments to the vacant office. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(6) Unless he sooner vacates his office as provided in subsection five of this section, every member of the Board who is a staff representative shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(7) The powers of the Board shall not be affected by any vacancy in the membership of the Board.

Cf. 1947, No. 57, s. 3; 1949, No. 51, s. 55

4. Representation of absent members—(1) In the absence from any meeting of the Board of any *ex officio* member of the Board any officer of the Government service having authority to act in his place during his absence may attend the meeting in his stead.

(2) Except as provided in the foregoing provisions of this section, the Minister of Finance may from time to time appoint any person to act for any member of the Board at any meeting in the event of his absence therefrom.

(3) While any person is attending any meeting of the Board pursuant to this section he shall be deemed for all purposes to be a member of the Board, and the fact that any person so attends shall be sufficient evidence of his authority to do so.

Cf. 1947, No. 57, s. 4

5. Procedure of Board—(1) At any meeting of the Board at which the Chairman is not present and no person attends in his stead the Deputy Chairman, if he is present, shall preside, and if the Deputy Chairman is not present and no person attends in his stead the Board shall appoint a Chairman from the members present.

(2) At all meetings of the Board seven members shall form a quorum.

(3) Subject to the provisions of this Act and of any regulations made thereunder, the Board may regulate its procedure in such manner as it thinks fit.

Cf. 1947, No. 57, s. 5

6. Superintendent of the Fund—There shall from time to time be appointed under the Public Service Act 1912 a Superintendent of the Fund.

Cf. 1947, No. 57, s. 6; 1955, No. 107, s. 2

7. Deputy Superintendent of the Fund—(1) There may from time to time be appointed under the Public Service Act 1912 a Deputy Superintendent of the Fund (hereinafter referred to as the Deputy Superintendent), who, subject to the control of the Superintendent, shall have and may exercise all the powers, duties, and functions of the Superintendent.

(2) On the occurrence from any cause of a vacancy in the office of Superintendent (whether by reason of death, resignation, or otherwise), and in case of the absence from duty of the Superintendent (from whatever cause arising), and so long as any such vacancy or absence continues, the Deputy Superintendent shall have and may exercise all the powers, duties, and functions of the Superintendent.

(3) The fact that the Deputy Superintendent exercises any power, duty, or function of the Superintendent shall be conclusive evidence of his authority to do so.

Cf. 1947, No. 57, s. 6A; 1955, No. 107, s. 2

8. Secretary and other officers—There may from time to time be appointed under the Public Service Act 1912 a Secretary of the Board and such other officers as may be required for the purposes of this Act.

Cf. 1947, No. 57, s. 6B; 1955, No. 107, s. 2

9. Board may delegate functions to Superintendent—(1) The Board may from time to time, with the consent of the Minister of Finance, by resolution delegate to the Superintendent such of its powers as it thinks fit.

(2) Subject to any general or special directions given or conditions attached by the Board, the Superintendent may exercise any powers delegated to him under this section in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Board.

(5) Every delegation under this section shall, until it is revoked, continue in force according to its tenor, notwithstanding that the Superintendent to whom it was made may have ceased to hold office, and in any such case every such

delegation shall continue in force as if made to the person for the time being in office as Superintendent or authorised to exercise the powers of the Superintendent.

Cf. 1947, No. 57, s. 6c; 1955, No. 107, s. 2

10. Board may use Departmental services—For the purpose of collecting contributions, paying retiring allowances and other moneys, keeping accounts, recording information, and generally for carrying out any of the Board's functions, the Board may arrange for the use of any services available in Departments of State or elsewhere.

Cf. 1947, No. 57, s. 7

11. Discretionary powers of Board—(1) If any question arises under this Act as to whether any person is employed in the Government service, or as to whether any person is, or is entitled to become, a contributor to the Fund, or as to the period of contributory service, amount of salary, amount of contributions, or amount of retiring-allowance of any contributor, or as to whether any retirement is compulsory or is due to misconduct, or as to any other matter whatsoever, the question shall be determined by the Board, and the determination of the Board shall be final and conclusive. AMD. 1960
No. s.

(2) The Board, in its discretion, may refuse any application for its consent under this Act, or may grant any such application either wholly or partly and either unconditionally or upon or subject to such conditions as the Board thinks fit, including conditions fixing or limiting the period or periods in respect of which a contributor is to be permitted to contribute to the Fund, fixing the contributions payable in respect of any period for which no salary is payable, and fixing the payments (if any) to be made to the Fund by a contributor in addition to his contributions.

(3) Notwithstanding anything to the contrary in this Act, but subject to the consent of the Board in each case, any contributor may contribute to the Fund in respect of the whole or any part of any period which could not otherwise be computed as part of his contributory service.

Cf. 1947, No. 57, s. 8; 1951, No. 65, s. 3; 1955, No. 107, s. 4

12. Board to comply with directions of Government—In the exercise of its powers and functions the Board shall have regard to any representations that may be made by the Minister of Finance in respect of any functions or business of

the Board, and shall give effect to any decision of the Government in relation thereto conveyed to the Board in writing by the Minister of Finance.

Cf. 1947, No. 57, s. 9

Government Superannuation Fund

13. Government Superannuation Fund—(1) There is hereby established a Fund to be called the Government Superannuation Fund.

(2) The Fund is hereby declared to be the same Fund as the Government Superannuation Fund established under the Superannuation Act 1947.

Cf. 1947, No. 57, s. 10

14. Moneys payable into Fund—There shall from time to time be paid into the Fund—

- (a) The contributions from contributors as hereinafter provided:
- (b) The subsidies payable under section ninety-five of this Act:
- (c) Interest from time to time accruing from the investment of money in the Fund as hereinafter provided:
- (d) All fines recovered under any Act or regulations relating to the Government service or any branch thereof and not specifically required by any other enactment to be paid into any other fund or account:
- (e) Any other money that may be lawfully payable into the Fund.

Cf. 1947, No. 57, s. 11 (2)

15. Government Superannuation Fund Account—(1) All money payable to the Fund shall be paid to the credit of an account called the Government Superannuation Fund Account, to be kept at the Reserve Bank of New Zealand.

(2) The Government Superannuation Fund Account shall be operated upon by cheque signed by a member of the Board and either by the Superintendent or by or on behalf of the Secretary of the Board, and countersigned by or on behalf of the Audit Office. For the purposes of this section the Chairman or the Deputy Chairman of the Board may from time to time authorise any officer of the Board to sign cheques on behalf of the Secretary.

(3) For the purposes of the Government Superannuation Fund Account there may be opened at the Reserve Bank of

New Zealand such disbursement or other subsidiary accounts as may from time to time be authorised by the Minister of Finance.

(4) Subject to the provisions of paragraphs (d) and (i) of section fourteen of the Reserve Bank of New Zealand Act 1933, the Reserve Bank may grant to the Board, and the Board may receive from the Reserve Bank, accommodation by way of overdraft in aid of the Government Superannuation Fund Account, and that account may be overdrawn accordingly. For the purposes of this subsection the Board may hypothecate any securities held by or on behalf of the Board in respect of investments of the Fund.

Cf. 1947, No. 57, s. 12; 1948, No. 35, s. 11 (2); 1953, No. 61, s. 3

16. Payment of administration expenses and money out of Fund—(1) There shall from time to time be paid out of money to be appropriated by Parliament all salaries and allowances of officers of the Board and all other expenditure incurred in the administration of this Act.

(2) All money payable out of the Fund shall be paid out of the Government Superannuation Fund Account without further appropriation than this Act.

Cf. 1947, No. 57, s. 13; 1950, No. 94, s. 3

17. Investment of Fund—(1) All money belonging to the Fund and available for investment shall be invested in such manner as may be prescribed by regulations made under this Act.

(2) For the protection of securities in which any money belonging to the Fund is invested the Board may from time to time expend such sums as it considers necessary, and to that end may expend money for the purposes of the stocking and cultivating of mortgaged land, the employment of labour thereon, the making of advances to mortgagors, and the carrying on of farming businesses, and for such other purposes as the Board may consider necessary to prevent or minimise any loss on the realisation of any such securities.

Cf. 1947, No. 57, s. 14; S.R. 1948/54, regn. 11 (2)

18. Exemption from taxation—No land tax or income tax shall be payable in respect of any securities or other property held on behalf of the Board or in respect of income derived from any such securities or property.

Cf. 1947, No. 57, s. 15

19. Audit of accounts—For the purpose of the audit of accounts all money belonging to the Fund shall be deemed to be public money within the meaning of the Public Revenues Act 1953; and the Audit Office shall have the same duties and powers in respect thereof, and of every person dealing therewith, as it has in respect of public money and accounts and of persons dealing therewith.

Cf. 1947, No. 57, s. 16

PART II

GOVERNMENT SERVICE SUPERANNUATION

20. This Part not to apply to certain persons—The provisions of this Part of this Act shall not apply to the following persons:

- (a) Members of the General Assembly or Ministers of the Crown, except as provided in Part VI of this Act:
- (b) Judges of the Supreme Court or of the Court of Arbitration or of the Land Valuation Court or of the Compensation Court, except as provided in Part V of this Act:
- (c) Magistrates or Judges of the Maori Land Court or the Solicitor-General, except as provided in Part IV of this Act:
- (d) Members of any of Her Majesty's naval, military, or air forces, except as provided in Part III of this Act:
- (e) Persons entitled under any other Act to receive pensions on retirement from the Government service:
- (f) Persons remunerated by fees or commission and not by wages or salary.

Cf. 1947, No. 57, s. 17; 1948, No. 79, s. 4

Contributors

21. Contributors to the Fund—(1) The following persons shall be contributors to the Fund:

- (a) All persons who were contributors to the Fund immediately before the commencement of this Act:
- (b) All persons who elect in accordance with this Part of this Act to become contributors to the Fund:
- (c) All persons who are by this Part of this Act required or declared to be contributors to the Fund.

(2) Every person who is at any time a contributor to the Fund shall continue to be a contributor until he dies, or retires from the Government service, or ceases in accordance with section twenty-eight of this Act to be a contributor.

(3) Notwithstanding anything to the contrary in any enactment in force before the date of the commencement of this Act, no person who is employed in the Government service on or after that date, and is not for the time being a contributor to the Fund, shall become a contributor to the Fund except in accordance with this Part of this Act.

Cf. 1947, No. 57, s. 18

22. Election by employee to become a contributor—Subject to the provisions of this Part of this Act, any person who for the time being is employed in the Government service and is not a contributor to the Fund may elect to become a contributor to the Fund—

- (a) From the date of his election; or
- (b) From the commencement of the period of his continuous service in the Government service immediately preceding the date of his election; or
- (c) From any date during the period of that prior continuous service:

Provided that no election shall be made under this section by any person who is not permanently employed except with the consent of the Board:

Provided also that, except with the consent of the Board, no male whose age exceeds fifty years and no female whose age exceeds forty years shall be entitled to make an election under this section after the expiration of six months from the commencement of his permanent employment in the Government service or after the thirtieth day of September, nineteen hundred and fifty-seven, whichever is the later.

Cf. 1947, No. 57, s. 19

23. Contributor may elect to contribute in respect of any prior part of continuous service—(1) Subject to the provisions of this Part of this Act, where any person is for the time being a contributor to the Fund and any period of his continuous service in the Government service (including service which is continuous by virtue of section twenty-seven of this Act) is not included in his contributory service, he may at any time elect to contribute to the Fund in respect of the whole or any part of that period:

Provided that, except with the consent of the Board, no contributor being a male whose age exceeds fifty years or a female whose age exceeds forty years shall be entitled to make an election under this section after the thirtieth day of September, nineteen hundred and fifty-seven.

AMD. 1950
No. s.

(2) For the purposes of this section employment in the Post and Telegraph Department as a message-boy for any period in excess of two years shall be deemed to be service in the Government service.

(3) Subject to the consent of the Board in each case, employment as a probationer under section seventy-eight of the Education Act 1914 for any period before the ninth day of November, nineteen hundred and twenty (being the date of the passing of section nineteen of the Education Amendment Act 1920) shall, to the extent to which the Board determines in each case, be deemed for the purposes of this section to be service in the Government service.

Cf. 1947, No. 57, s. 20; 1948, No. 79, s. 5

24. Election to contribute in respect of previous contributory service—Subject to the provisions of this Part of this Act, any person who is for the time being a contributor to the Fund from the commencement of his current period of service in the Government service, and who was a contributor in respect of a previous period of service in the Government service which is not continuous with his current period and in respect of which he has not received any retiring allowance, may, with the consent of the Board, elect to contribute to the Fund from any earlier date not before the commencement of his previous period of service in the Government service (whether his previous period of contributory service commenced at that time or later):

Provided that no contributor shall be entitled to elect under this section to contribute to the Fund in respect of any period exceeding one year during which he was not employed in the Government service.

Cf. 1947, No. 57, s. 21; 1948, No. 79, s. 6

25. Election to contribute in respect of previous service as contributing employee under a National Provident Fund scheme—Subject to the provisions of this Part of this Act, any contributor to the Fund in respect of whom the Minister of Finance or a local authority or any other person has previously been a contributor to any superannuation scheme under the

National Provident Fund Act 1950, and who has not received a refund of his contributions and is not in receipt of a retiring allowance from the National Provident Fund under that scheme may, with the consent of the Board, elect to contribute to the Fund from any date before the commencement of his service in the Government service, but not before the commencement of his period of service for the purposes of the National Provident Fund Act 1950.

Cf. 1947, No. 57, s. 22

26. General provisions as to elections to become contributors—(1) No person shall be entitled to elect under this Part of this Act to become a contributor or to contribute to the Fund in respect of any period before the date of his attaining the age of seventeen years:

Provided that this subsection shall not apply to any person who has been employed in the Government service continuously from a date before the first day of January, nineteen hundred and forty-six.

(2) No person shall be entitled to elect under this Part of this Act to become a contributor or to contribute to the Fund in respect of any period during which he was a defaulter within the meaning of the National Service Emergency Regulations 1940.

(3) No person shall be entitled to elect under this Part of this Act to become a contributor or to contribute to the Fund in respect of any previous period of service as a permanent member of the regular forces not earlier than the first day of April, nineteen hundred and forty-six, unless he repays, without interest, the amount of any gratuity paid to him in respect of that previous period of service in accordance with a scale of pay coming into force on or after that date.

(4) Every election under this Part of this Act shall be made in writing delivered to the Superintendent.

(5) Where any person elects under this Part of this Act to become a contributor or to contribute to the Fund in respect of any period before the date of his election he shall pay into the Fund, within such time and in such manner as the Board may allow in that behalf, such sum as the Board may fix in respect of that period, and his contributory service unless it commenced before that period, shall be deemed to have commenced at the beginning of that period, and, if necessary, any contributions paid by him and computed by reference to his age at any later date shall be adjusted accordingly:

REP. 1960
No. s.
Substituted

Provided that that period shall be deemed to be a continuous period immediately preceding the contributor's current period of contributory service, unless his contributory service commenced before that period.

(6) Where no actual liability has been imposed on the Fund by reason of an election made under this Part of this Act, the election may be revoked by writing delivered to the Superintendent within three months after the date of the delivery of the election, or, with the consent of the Board, at any time thereafter.

Cf. 1947, No. 57, s. 23; 1948, No. 79, s. 7; 1950, No. 94, ss. 4 (1), 5 (1), 6 (1)

27. Continuity of service—The contributory service or the continuous service in the Government service of any person shall not be deemed to be or to have been interrupted by reason only of the existence of any interval in his employment in the Government service (whether before or after the commencement of this Act) in any of the following cases:

(a) In the case of an employee in the Education service, where he has not retired and the interval does not exceed one year:

Provided that, except with the consent of the Board, this paragraph shall not apply in the case of any employee with respect to more than one interval exceeding one month:

Provided also that for the purposes of this paragraph no employee in the Education service shall be deemed to have retired during any interval not exceeding one year during which he is not employed in that service unless he gives notice in writing to the Superintendent or to the Director of Education of his retirement therefrom:

(b) With the consent of the Board, in any case where the interval does not exceed one year:

(c) With the consent of the Board, where the interval does not exceed four years and is due to the employee's holding a scholarship or bursary or is for any other special reason approved by the Board:

Provided that the conditions imposed by the Board in granting its consent in any case under this paragraph may include a condition that only a specified part of the interval be regarded as contributory service, and a condition that the employee

pay into the Fund, within such time as the Board may allow in that behalf, such sum as the Board may fix in respect of the interval or the specified part thereof, as the case may be:

- (d) Where the interval occurs between sessions of Parliament in the case of an officer of the Legislative Department who is employed for sessional work only and has not retired from the Government service:
- (e) Where the interval is due to the service of the employee in any of Her Majesty's naval, military, or air forces in connection with any war, and he has resumed his employment, or (if he has retired) has become re-employed, at any time before the expiration of twelve months from the end of that war.

Cf. 1947, No. 57, s. 24; 1948, No. 79, s. 8; 1950, No. 94, s. 7; 1951, No. 65, s. 4

28. Right to cease to be a contributor—(1) Any contributor may at any time deliver to the Superintendent notice in writing of his intention to cease to be a contributor to the Fund on the expiration of six months from the date on which the notice is delivered.

(2) On the expiration of that period, unless the notice is sooner withdrawn by the contributor, he shall cease to be a contributor to the Fund, and in any such case—

- (a) He shall be entitled to receive from the Fund a refund without interest of the total amount of his contributions to the Fund (less any sums already received by him from the Fund):
- (b) He shall not at any time thereafter, whether in respect of the same or any other appointment, elect to become a contributor to the Fund except with the consent of the Board.

Cf. 1947, No. 57, s. 25

Contributions

29. Contributions to be deducted from salary—(1) The contribution to be made by a contributor shall be the following percentage of his salary, and shall be deducted from his salary and paid to the Fund as the salary becomes payable from time to time, that is to say:

- (a) Five per cent if his age does not exceed thirty years at the commencement of his contributory service:
- (b) Six per cent if his age then exceeds thirty years but does not exceed thirty-five years:

- (c) Seven per cent if his age then exceeds thirty-five years but does not exceed forty years:
- (d) Eight per cent if his age then exceeds forty years but does not exceed forty-five years:
- (e) Nine per cent if his age then exceeds forty-five years but does not exceed fifty years:
- (f) Ten per cent if his age then exceeds fifty years.

(2) For the purposes of this section a contributor's age shall be deemed to exceed thirty years on and after the thirtieth anniversary of his birth, and the other ages referred to in this section shall be calculated respectively in the same manner.

Cf. 1947, No. 57, s. 26

AM.D. 1960
N.C. s.

30. Elections to contribute on sixty per cent basis—

(1) Subject to subsection three of this section, any contributor may at any time elect to contribute to the Fund on a sixty per cent basis. Every such election shall take effect from the time when the contributor becomes a contributor if it is made at the time when he elects to become a contributor, and in any other case shall take effect at the expiration of six months from the date of the receipt of the election.

(2) Subject to subsection three of this section, any contributor who is contributing to the Fund on a sixty per cent basis may at any time elect to contribute to the Fund on a hundred per cent basis. Every such election shall take effect at the expiration of six months from the date of the receipt of the election.

(3) Except with the consent of the Board, no contributor shall make more than three elections under this section after he has become a contributor to the Fund.

(4) Where a contributor contributes to the Fund on a sixty per cent basis during any period of contributory service—

- (a) His contributions for that period shall be sixty per cent of the contributions prescribed by section twenty-nine of this Act:
- (b) Every annuity or allowance payable to any person by reason of the contributor's contributions to the Fund for that period shall be reduced to sixty per cent thereof, whether or not it is payable at a minimum rate prescribed by this Act.

(5) Where a contributor who is contributing to the Fund on a sixty per cent basis elects to contribute on a hundred per cent basis from the time when the election takes effect, he may at the same time elect to contribute on a hundred per cent basis in respect of the whole or any part of the period

of his contributions on a sixty per cent basis. In every such case—

- (a) From the expiration of six months from the date of the receipt of the election, the contributor shall be deemed to have contributed to the Fund on a hundred per cent basis during the period to which the election relates:
- (b) The contributor shall pay into the Fund, within such time and in such manner as the Board may allow in that behalf, the balance of his contributions on a hundred per cent basis for the period to which the election relates, together with compound interest thereon calculated at the rate of five per cent per annum with annual rests.

Cf. 1947, No. 57, s. 29A; 1955, No. 107, s. 5

31. Other contributions—(1) Where, whether before or after the commencement of this Act, the Board has fixed any sum to be paid into the Fund by any contributor otherwise than by deduction from his salary in accordance with section twenty-nine of this Act (whether in respect of any period which is included in his period of contributory service, or in respect of contributions not duly paid by deduction from his salary, or in respect of contributions repaid after having been refunded to the contributor, or otherwise) the Board shall determine whether the whole or any part of that sum shall be deemed to be contributions for the purposes of this Part of this Act, and the amount so determined shall be deemed to be contributions accordingly.

(2) Except as provided in this section, no sums paid into the Fund by any contributor otherwise than in accordance with section twenty-nine of this Act shall be deemed to form part of his contributions for the purpose of this Part of this Act.

Cf. 1947, No. 57, s. 27

32. Contributions while salary temporarily stopped—Where the salary of a contributor is for any period temporarily stopped on the ground of ill health or for any other reason, or where for any period a contributor is on leave of absence without salary or at a reduced salary, or is not employed in the Government service but has not retired therefrom, he shall during that period continue to contribute to the Fund in such manner and to such extent as may be determined by the Board.

Cf. 1947, No. 57, s. 28

33. Election to contribute on higher salary in case of reduction—Where for any reason other than misconduct a contributor's salary has been reduced (whether by reason of his transfer or appointment to another position or otherwise) he may, with the consent of the controlling authority, by notice in writing delivered to the Superintendent not later than three months after the date of the reduction or three months after the commencement of this Act (whichever is the later) or within such further time as the Board may in any case allow, elect to continue to contribute to the Fund as if his salary had not been so reduced; and every person so electing and contributing shall be entitled on retirement to a retiring-allowance (if any) computed as if his salary had not been so reduced.

Cf. 1947, No. 57, s. 29; 1951, No. 65, s. 5

Benefits of the Fund

34. Application of Fund—The Fund shall be held and applied for the benefit of the contributors in the manner and subject to the conditions hereinafter set forth.

Cf. 1947, No. 57, s. 30

35. Retiring allowance—(1) Every contributor to whom this section applies may at any time retire from the Government service, and shall after his or her retirement in any manner from the Government service be entitled to receive from the Fund an annual retiring allowance for the rest of his or her life computed as follows:

(a) For every year of the contributor's contributory service the contributor shall receive one hundred-and-twentieth part of his or her annual salary, and for any fraction of a year of contributory service the contributor shall receive a proportionate part of one hundred-and-twentieth part of his or her annual salary:

(b) The annual amount of the retiring allowance payable under paragraph (a) of this subsection shall be increased by an amount equal thereto, but in no case shall the annual amount added under this paragraph be less than it would have been if the contributor's annual salary had been six hundred pounds:

Provided that in no case shall the annual amount added under this paragraph be more than the annual salary on the basis of which the contributor was contributing to the Fund at the date of his retirement:

AMD. 1960
No. s.

AMD. 1960
No. s.

Provided also that where the annual amount added under this paragraph exceeds five hundred pounds the excess shall be reduced by one pound for every two pounds of the excess.

AM.D. 1960
No. 8

- (2) This section shall apply to the following persons:
- (a) Every male contributor whose age is not less than sixty-five years:
 - (b) Every male contributor whose age is not less than sixty years and whose length of contributory service is not less than forty years:
 - (c) Every female contributor whose age is not less than fifty-five years:
 - (d) Every female contributor whose length of contributory service is not less than thirty years:
 - (e) Every male contributor employed in the Government Railways Department whose age is not less than sixty years:
 - (f) Every male contributor who has been employed in the Government service continuously from a date before the first day of January, nineteen hundred and forty-six, or whose period of contributory service commenced before that date, if the length of his contributory service is not less than forty years:
 - (g) Every male contributor whose retirement is considered by the Board to be justified by occupational strain, or by impairment of efficiency arising out of his employment, or for any other reason—
 - (i) If his age is not less than sixty years; or
 - (ii) If his age is not less than fifty-eight years and the length of his contributory service is not less than forty years:
 - (h) Every contributor employed in the Government Railways Department to whom this section is applied by the controlling authority, being—
 - (i) A male contributor whose length of contributory service is not less than thirty-five years; or
 - (ii) A female contributor whose age is not less than fifty years:
 - (i) Every contributor employed otherwise than in the Government Railways Department to whom this section is applied by the controlling authority, being—
 - (i) A male contributor whose age is not less than sixty years; or

(ii) A male contributor whose age is not less than fifty-five years and whose length of contributory service is not less than thirty years; or

(iii) A male contributor whose length of contributory service is not less than thirty-five years; or

(iv) A female contributor whose age is not less than fifty years.

(3) In the case of any contributor to whom this section applies by virtue of paragraph (i) of subsection two of this section the Board may impose such terms and conditions, whether as to payments into the Fund or otherwise, as the Board thinks fit.

(4) The Board may, in its discretion, review any determination made before the commencement of this Act by the Teachers' Superannuation Board in so far as it effected a reduction in the retiring allowance payable to a contributor to the Teachers' Superannuation Fund who retired after attaining the age of sixty years but before he had completed forty years' service.

Cf. 1947, No. 57, s. 31; 1954, No. 45, s. 3; 1955, No. 107, ss. 6 (1), (2), 8

36. Retiring allowance when contributor medically unfit for further duty—(1) Every contributor who, before becoming entitled to a retiring allowance under section thirty-five of this Act, retires from the Government service on the ground of being medically unfit for further duty shall, if the Board is satisfied that his retirement has been consented to by the controlling authority, be entitled to receive from the Fund an annual retiring allowance computed as provided in the said section thirty-five.

(2) In the case of any retiring allowance payable under this section, if the contributor—

(a) Resumes employment; or

(b) Having ceased to be medically unfit for further duty, fails to accept any employment considered by the Board to be suitable and reasonable for him; or

(c) Fails at any time without sufficient justification to submit himself for medical examination when and as often as required by the Board,—

the Board may in its discretion suspend, reduce, or cancel the retiring allowance. The Board may from time to time, in its discretion, vary or revoke any decision made by it under this subsection.

AMD. 1960
No. s.

REP. 1960
No. s.
Substituted

(3) The provisions of subsection two of this section shall not apply to any male contributor after he has attained the age of sixty-five years, or to any female contributor after she has attained the age of fifty-five years.

(4) For the purposes of this Part of this Act a contributor shall be deemed to be medically unfit for further duty if on the certificate of at least two medical practitioners approved by the Board it is established to the satisfaction of the Board that by reason of mental or bodily infirmity, not caused by irregular or intemperate habits, the contributor has become substantially unable to perform any duties which the controlling authority and the Board consider suitable and reasonable for him.

Cf. 1947, No. 57, s. 32; 1955, No. 107, s. 9 (1), (2) AMD. 1960
No. 2

37. Increasing allowance for contributor retiring in consequence of injuries—(1) Where any contributor to the Fund retires from the Government service as medically unfit for further duty in consequence of injuries suffered by him in the execution of his duty, or where the death of a contributor is directly attributable to injuries suffered by him in the execution of his duty, if the Board is of opinion that the retiring allowance payable to the contributor or any annuity payable to the widow or any dependant of the contributor is not sufficient, the Board may increase the retiring allowance or annuity to such amount as the Board considers fair and equitable.

(2) Any increase granted under this section may commence at the time of the contributor's retirement or death or at any time thereafter, and may be granted for a specified period or otherwise as the Board thinks fit; and every such increase may be varied or cancelled by the Board at any time.

(3) In considering any application for any increase under this section the Board shall take into consideration any amount paid by way of compensation, damages, pension, or compassionate allowance out of the Public Account or from any other source in respect of the death or disablement of the contributor.

Cf. 1947, No. 57, s. 32A; 1955, No. 107, s. 12 (1)

38. Computation of retiring allowances on average salary for last five years of service—(1) For the purpose of computing the retiring allowance to be granted to a contributor his annual salary shall be deemed to be the average rate of salary on the basis of which he contributed to the Fund during the five years immediately preceding his retirement, or, if the

length of his contributory service is less than five years, then during his contributory service:

Provided that where by reason of age or infirmity the contributor's salary has been reduced (whether by reason of his transfer or appointment to another position or otherwise), his retiring allowance shall be computed on the average rate of salary on the basis of which he contributed to the Fund during the five years immediately preceding that reduction or transfer, or the five years immediately preceding his retirement, whichever of those average rates is the higher:

Provided also that the retiring allowance shall be computed as if the words "three years" were substituted for the words "five years" wherever they occur in the foregoing provisions in this subsection—

(a) In any case in which computation under this proviso would increase the annual amount of the retiring allowance payable under paragraph (a) of subsection one of section thirty-five of this Act to an amount not exceeding one hundred and fifty pounds:

(b) Where the contributor was a contributor to the Public Service Superannuation Fund or to the Teachers' Superannuation Fund or to the Government Railways Superannuation Fund before the twenty-fourth day of December, nineteen hundred and nine, in any case in which computation under this proviso would increase the retiring allowance:

Provided further that, where the contributor was a contributor to the Government Railways Superannuation Fund at any time before the first day of April, nineteen hundred and forty-eight, his retiring allowance shall be computed on his annual rate of pay within the meaning of Part III of the Government Railways Act 1926, if computation under this proviso would increase the annual amount of the retiring allowance payable under paragraph (a) of subsection one of section thirty-five of this Act to an amount not exceeding one hundred and fifty pounds.

(2) In computing for the purposes of this section the average rate of salary on the basis of which any contributor has contributed to the Fund during any period, no account shall be taken of any interval or intervals in respect of which he has paid no contributions or has paid reduced contributions by reason of his having been temporarily out of employment or by reason of his salary having been temporarily stopped.

Cf. 1947, No. 57, s. 33; 1954, No. 45, s. 4 (1)

39. Proportionate reduction in contributory service if full contributions not paid—Where upon the death or retirement of any contributor it becomes necessary to compute a retiring allowance in the manner provided in section thirty-five of this Act, and the whole or any part of any sum fixed by the Board to be paid into the Fund as mentioned in section thirty-one of this Act remains unpaid, the Board may permit the whole or any part of the sum remaining unpaid to be paid into the Fund and, if any part of that sum finally remains unpaid, the Board may direct a proportionate reduction to be made in the period of contributory service to be taken into account for the purposes of the computation of the retiring allowance.

Cf. 1947, No. 57, s. 33A; 1953, No. 61, s. 5

40. Election of variable retiring allowance to secure a level income—(1) Subject to the provisions of this section, any contributor may, within the time and in the manner prescribed by this section, elect to surrender from any specified date a specified portion of the retiring allowance which, but for his election, he would be entitled to receive from the Fund on his retirement, in order to provide for payment to him from the Fund of an increased retiring allowance up to that specified date.

(2) An election under this section may be for one reduction of the actual retiring allowance from one specified date or for successive reductions from two or more specified dates.

(3) The maximum amount or proportion of his retiring allowance that any contributor may surrender on making an election under this section may be fixed by regulations, and if not so fixed may be determined by the Board.

(4) Nothing in the foregoing provisions of this section shall apply with respect to a contributor who retires on the ground of being medically unfit for further duty, and no election under this section shall be considered by the Board until it has obtained such medical evidence as to the health of the contributor as the Board may require or as may be prescribed by regulations.

(5) No retiring allowance shall be granted in accordance with this section of an amount that is calculated to impose any additional liability on the Fund, and every such retiring allowance shall, in accordance with regulations in that behalf, be computed as the actuarial equivalent of the retiring allowance to which the contributor would have been entitled if he had not made an election under this section.

(6) Every election under this section shall be in writing delivered to the Superintendent.

(7) An election under this section may be made at any time within the three months immediately preceding the retirement of the contributor or may be made after his retirement and before he has accepted the first instalment of a retiring allowance.

Cf. 1947, No. 57, s. 35

AMD. 1960
No. 5.

41. Election to receive refund of contributions instead of retiring allowance—A contributor who retires under circumstances entitling him to a retiring allowance may, at any time before accepting the first instalment of his retiring allowance, elect to accept a refund of the total amount of his contributions to the Fund (less any sums already received by him from the Fund) instead of his retiring allowance, in which case he shall be entitled to receive that refund accordingly without interest, but no further sum shall be payable out of the Fund in the event of his death.

Cf. 1947, No. 57, s. 36

AMD. 1960
No. 8

42. Refund of contributions on retiring before entitled to retiring allowance—(1) Where before a contributor becomes entitled to a retiring allowance he retires from the Government service, whether voluntarily or otherwise, he shall be entitled to a refund of the total amount of his contributions to the Fund (less any sums already received by him from the Fund).

(2) Except as hereinafter provided, every refund under this section shall be without interest.

(3) Where the retirement of any contributor entitled to a refund under this section is compulsory for any reason other than misconduct, he shall be entitled, in addition to the refund, to receive a further sum by way of interest computed in the same manner as if the contributions from time to time paid by him (after deducting all sums from time to time received by him from the Fund) had been invested at compound interest with yearly rests at such rate as the Minister of Finance from time to time determines.

(4) All such interest shall be computed as if all moneys paid into or out of the Fund during any year had been so paid on the thirty-first day of December in that year; but interest shall be allowed as aforesaid for the broken period of the year in which the contributor retires.

AMD. 1960
No. 8.

(5) For the purposes of this Act no retirement of a contributor from the Government service shall be deemed to be compulsory merely because the contributor is deprived of the position held by him in that service if at any time within three months before the deprivation he has been offered and has failed or refused to accept some other position in the Government service which the controlling authority considers suitable for him at a salary not less than that of the position so held by him.

Cf. 1947, No. 57, s. 37

43. Election to continue contributory service after retirement—(1) Any contributor to the Fund may elect to continue to be a contributor after his retirement, if he retires from the Government service, whether voluntarily or otherwise, before he becomes entitled to a retiring allowance.

(2) Every election under this section shall be made in writing delivered to the Superintendent before the retirement of the contributor.

(3) Every contributor who makes an election under this section shall continue to be a contributor to the Fund after his retirement—

(a) Until the date on which he elects to cease to be a contributor, which, except with the consent of the Board, shall not be more than three months after the date of his retirement; or

(b) Until the date on which he again becomes employed in the Government service; or

(c) Until the date of his death,—

whichever date first occurs; and if the date specified in paragraph (a) of this subsection first occurs it shall be deemed to be the date of his retirement.

(4) The period during which any person continues to be a contributor under this section shall be deemed for the purposes of this Act to be contributory service, and he shall be deemed to receive during that period the salary on the basis of which he was contributing immediately before his retirement.

(5) In respect of his contributory service as aforesaid every contributor shall pay into the Fund within such time and in such manner as the Board may allow in that behalf—

(a) The contributions payable by him under this Act; and

(b) The amount by which those contributions are less than the amount certified by the Government Actuary as the total amount of contributions that would require to be so paid if the contributions provided the total

cost of the benefits to which the contributor may become entitled under this Act.

(6) Except with the consent of the Board, no part of the amount paid by any contributor under paragraph (b) of subsection five of this section shall be deemed to form part of his contributions to the Fund.

Cf. 1947, No. 57, s. 58A; 1953, No. 61, s. 7

44. Re-employment of contributor after retiring on allowance—(1) Where any person who has retired from the Government service on a retiring allowance is re-employed in the Government service he may again become a contributor to the Fund with the consent of the Board at such rate of contribution as the Board determines. In any such case the retiring allowance shall not be payable while he continues to be a contributor; and upon his subsequently ceasing to be a contributor his retiring allowance shall be computed separately in respect of each of his periods of service and of the rate of salary on the basis of which he contributed to the Fund during each of those periods:

Provided that where his retirement was on the ground of being medically unfit for further duty he may with the consent of the Board elect to have his retiring allowance computed in respect of the total length of his periods of contributory service as if they were continuous.

(2) This section shall extend so as to apply to any person who has before the first day of April, nineteen hundred and forty-eight, retired on a retiring allowance from the Public Service Superannuation Fund or the Teachers' Superannuation Fund or the Government Railways Superannuation Fund and has subsequently (whether before or after that date or before or after the commencement of this Act) become a contributor to any of those funds or to the Government Superannuation Fund.

Cf. 1947, No. 57, s. 38; 1948, No. 79, s. 9; 1950, No. 94, s. 8

AMD. 1960
No. s.

45. Death of male contributor—(1) Where any male contributor dies, whether before or after becoming entitled to a retiring allowance, the following provisions shall apply:

(a) If he leaves a wife, there shall be paid out of the Fund to the widow, at her election, either—

(i) An annuity during her widowhood at one half of the rate of the retiring allowance to which the deceased contributor was entitled at the date of his

retirement or, if he died before retirement, to which he would have been entitled if he had retired on the date of his death on the ground of being medically unfit for further duty, disregarding in either case the effect of any election made under section forty or section forty-eight of this Act, or at the rate of one hundred and thirty pounds a year, whichever is the greater; or

(ii) The amount of the deceased contributor's contributions to the Fund, less any sums received by him from the Fund in his lifetime:

Provided that if the marriage took place after the contributor became entitled to a retiring allowance or after the thirty-first day of December, nineteen hundred and forty-eight, whichever is the later, there shall be paid out of the Fund to the widow the amount of the deceased contributor's contributions to the Fund, less any sums received by him from the Fund in his lifetime:

Provided also that if the widow remarries after becoming entitled to an annuity under this paragraph the annuity shall not be payable while she is married, but if she again becomes a widow the annuity shall be payable during her subsequent widowhood; but no person shall by virtue of this proviso be entitled to more than one annuity under this Act:

- (b) Any such election shall be made by the widow in writing delivered to the Superintendent, and shall be deemed to be final when the first payment from the Fund is accepted by her:
- (c) If the contributor leaves a child or children under the age of sixteen years, there shall be paid out of the Fund to or on behalf of each such child an allowance at the rate of twenty-six pounds a year until the child attains the age of sixteen years:
- (d) If the contributor leaves no widow, the amount of his contributions to the Fund, less any sums received by him from the Fund in his lifetime, and less any sums which have been paid or may become payable in the future out of the Fund to or on behalf of any child or children of the contributor, shall be paid to the personal representatives of the deceased contributor in trust for the persons entitled thereto under his will or under the statutes relating to the distribution of intestates' estates, as the case may be.

REP. 1960
No. s.

(2) The value of any annuity or allowance payable to the widow or a child of any contributor under this section shall not be deemed to form part of the contributor's dutiable estate for the purposes of the Estate and Gift Duties Act 1955.

Cf. 1947, No. 57, s. 39; 1948, No. 79, s. 10 (1), (4); 1955, No. 107, s. 7 (1)

AMD. 1960
No. s.

46. Death of female contributor—(1) Where any female contributor dies, whether before or after becoming entitled to a retiring allowance, the following provisions shall apply:

- (a) If she leaves a husband, there shall be paid out of the Fund to the husband the amount of the deceased contributor's contributions to the Fund, less any sums received by her from the Fund in her lifetime:
- (b) If she leaves a child or children under the age of sixteen years, there shall be paid out of the Fund to or on behalf of each such child an allowance at the rate of twenty-six pounds a year until the child attains the age of sixteen years:
- (c) If the contributor leaves no husband, the amount of her contributions to the Fund, less any sums received by her from the Fund in her lifetime, and less any sums which have been paid or may become payable in the future out of the Fund to or on behalf of any child or children of the contributor, shall be paid to the personal representatives of the deceased contributor in trust for the persons entitled thereto under her will or under the statutes relating to the distribution of intestates' estates, as the case may be.

(2) The value of any allowance payable to a child of any contributor under this section shall not be deemed to form part of the contributor's dutiable estate for the purposes of the Estate and Gift Duties Act 1955.

AMD. 1960
No. s.

Cf. 1947, No. 57, s. 40

47. Children's allowances—(1) No allowance shall be paid to any child of a deceased contributor under section forty-five or section forty-six of this Act if an allowance is already payable to the child as the child of another deceased contributor.

(2) Where any child of a deceased contributor has attained the age of sixteen years and an allowance would be payable out of the Fund to or for the benefit of the child if he were under that age, the Board may, in its discretion, as if the child

had not attained that age, grant or continue an allowance in respect of the child—

- (a) For the purpose of assisting in the further education of the child, for such period as the Board thinks fit, expiring not later than the end of the year in which the child attains the age of eighteen years:
- (b) If by reason of any physical or mental defect the child is totally incapacitated from earning a living, for such period as the Board thinks fit.

(3) Any money payable out of the Fund under this section or section forty-five or section forty-six of this Act to or on behalf of a child of a deceased contributor may, at the discretion of the Board, be either paid to the child himself or expended by the Board for the benefit of the child, or paid to the Public Trustee or any other person to be expended on behalf of the child in such manner as the Public Trustee or that other person thinks fit.

(4) Any receipt given by an infant or any other person for any money paid under the authority of this section shall be a good discharge to the Board.

Cf. 1947, No. 57, s. 41

48. Annual allowances to widows or approved dependants in consideration of election to accept reduced retiring allowances—(1) In this section—

“Approved dependant”, in relation to a contributor, means a person who, on the date of an election made by the contributor under this section, is wholly or partially dependent on the contributor, and who is approved by the Board for the purposes of that election:

“Widow”, in relation to a contributor, means the woman who was the wife of the contributor on the date of an election made by him under this section.

(2) Where an election under this section is made by a female contributor, references in this section to the widow of a contributor shall be read as references to the husband of the contributor.

(3) Subject to the provisions of this section, any contributor may, within the time and in the manner prescribed by this section, elect to surrender a specified portion of the retiring allowance which, but for his election, he would be entitled to receive from the Fund on his retirement, in order to

provide for payment from the Fund to his widow or approved dependant, after his death, of an annual allowance of an amount to be determined by the Board:

Provided that in no case shall an annual allowance be granted to a widow or approved dependant pursuant to an election under this section of an amount that, together with any annuity or allowance that the widow or approved dependant is otherwise entitled to receive from the Fund by virtue of the relationship to the contributor, would exceed the rate of the reduced retiring allowance payable to the contributor pursuant to the election.

(4) An election by a contributor to surrender portion of his retiring allowance in accordance with this section may be—

(a) An absolute election to surrender portion of the retiring allowance:

(b) A contingent election to surrender portion of the retiring allowance in the event of the contributor surviving the widow or approved dependant:

(c) An absolute election, in accordance with paragraph (a) of this subsection, combined with a contingent election to surrender a further portion of the retiring allowance in the event of the contributor surviving the widow or approved dependant.

(5) The maximum amount or proportion of his retiring allowance that any contributor may surrender on making an election under this section may be fixed by regulations, and if not so fixed, may be determined by the Board.

(6) Nothing in the foregoing provisions of this section shall apply with respect to a contributor who retires on the ground of being medically unfit for further duty, and no election under this section shall be considered by the Board until it has obtained such medical evidence as to the health of the contributor as the Board may require or as may be prescribed by regulations.

(7) No retiring allowance or annual allowance shall be granted in accordance with this section of an amount that is calculated to impose any additional liability on the Fund, and every such retiring allowance and annual allowance that are granted to a contributor and to his widow or approved dependant shall, in accordance with regulations in that behalf, be computed as the actuarial equivalent of the retiring allowance to which the contributor would have been entitled if he had not made an election under this section.

(8) Any annual allowance granted in accordance with this section to the widow of a contributor shall be in addition to any annuity or allowance which she would otherwise be entitled to receive from the Fund.

(9) On the death of a contributor who has made an election under this section, the following provisions shall apply:

(a) The right of his widow to receive a refund in respect of his contributions to the Fund shall be deemed to have ceased and determined:

(b) The right of his personal representatives to receive a refund in respect of his contributions to the Fund shall be deemed to have ceased and determined, except as otherwise provided in paragraph (c) of this subsection:

(c) On the death of the contributor or on the death of the widow or approved dependant, whichever is the later, the amount of the contributions of the contributor to the Fund, less any sums which the contributor has received out of the Fund in his lifetime, and less the amount of any annual allowance paid to the widow or approved dependant under this section, and less any sums which have been paid or may become payable in the future out of the Fund to or on behalf of any child or children of the contributor, shall be paid to the personal representatives of the deceased contributor in trust for the persons entitled thereto under his will or under the statutes relating to the distribution of intestates' estates, as the case may be.

(10) Every election under this section shall be in writing delivered to the Superintendent.

(11) An election under this section may be made at any time within the three months immediately preceding the retirement of the contributor or may be made after his retirement and before he has accepted the first instalment of a retiring allowance:

Provided that where the contributor has married while in receipt of a retiring allowance he may make an election under this section in favour of his widow at any time within three months after the date of his marriage.

(12) Notwithstanding anything in subsection eleven of this section, but subject to the provisions of this subsection, any contributor who, by reason of age or length of service, is at any time entitled to retire on a retiring allowance or to give notice

of his intention so to retire may, on production to the Board of satisfactory medical evidence as to his health, make an election under this section at any time before his retirement. No election shall be made under this subsection except with the concurrence of the controlling authority. Any election made under this subsection shall take effect on the retirement of the contributor, who shall not, on his retirement, be required to furnish any further medical evidence as to his health.

(13) An election made by a contributor under subsection twelve of this section shall not be revocable. In the event of the death of any such contributor before he has become entitled to a retiring allowance, his election shall operate in favour of the widow or approved dependant as if the contributor had been in receipt of a retiring allowance at the date of his death.

(14) Where an election is made under this section it shall not be taken into account for the purposes of gift duty under the Estate and Gift Duties Act 1955, and no stamp duty shall be payable on the instrument of election.

Cf. 1957, No. 47, s. 42; 1955, No. 107, s. 10

49. Payments to personal representatives—Any money payable out of the Fund under the foregoing provisions to the personal representatives of a deceased contributor may, if no grant of probate or of letters of administration is obtained within three months after the death of the contributor, be paid to the Public Trustee in trust for the persons beneficially entitled thereto.

Cf. 1947, No. 57, s. 43

Cook Islands Public Service and Western Samoan Public Service

50. Provisions as to permanent officers becoming contributors—(1) Sections twenty-two and twenty-eight of this Act shall not apply with respect to permanent officers of the Cook Islands Public Service or of the Western Samoan Public Service.

(2) Every person who at any time after the commencement of this Act is a permanent officer of the Cook Islands Public Service or the Western Samoan Public Service and had not attained the age of seventeen years at the commencement of this Act or the date of his permanent appointment to the Service (whichever is the later) shall be a contributor to the Fund from the date on which he attains the age of seventeen years.

(3) Every person who at any time after the commencement of this Act becomes a permanent officer of the Cook Islands Public Service or the Western Samoan Public Service and has attained the age of seventeen years but has not attained the age of forty years and is not a contributor to the Fund shall be a contributor to the Fund from the date of his permanent appointment to the Service.

(4) Any person who at any time after the commencement of this Act is a permanent officer of the Cook Islands Public Service or the Western Samoan Public Service and has not attained the age of fifty years and is not a contributor to the Fund may at any time, by notice in writing to the Superintendent elect to become a contributor to the Fund either from the date of his election or from the date of his permanent appointment to the Service, not being in either case a date before the day on which he attains the age of seventeen years.

(5) Any person who at any time after the commencement of this Act is a permanent officer of the Cook Islands Public Service or the Western Samoan Public Service and is a contributor to the Fund from a date subsequent to the date of his permanent appointment to the Service may at any time, by notice in writing to the Superintendent elect to contribute to the Fund from the date of his permanent appointment to the Service or from the date on which he has attained the age of seventeen years (whichever is the later).

(6) Where any person elects under this section to become a contributor or to contribute to the Fund in respect of any period before the date of his election, he shall pay into the Fund within such time and in such manner as the Board may allow in that behalf such sum as the Board may fix in respect of that period, and his contributory service shall be deemed to have commenced at the beginning of that period, and, if necessary, any contributions paid by him and computed by reference to his age at any later date shall be adjusted accordingly.

(7) For the purposes of this section the term "the Service" means the Cook Islands Public Service or the Western Samoan Public Service, as the case may be:

Provided that in the case of any person who has become permanently employed in either of those Services immediately after being permanently employed in the other Service, the term "the Service" shall be construed as if the two Services constituted one Service.

(8) Notwithstanding anything to the contrary in the Samoa Act 1921, every person shall be deemed for the purposes of this Act to be a permanent officer of the Western Samoan Public Service while he is the holder of any of the following offices:

- (a) High Commissioner of Western Samoa:
- (b) Chief Judge of the High Court of Western Samoa:
- (c) General Manager of the Western Samoa Trust Estates Corporation:
- (d) A representative in Western Samoa of the Audit Office of New Zealand:
- (e) An officer of police or an officer of prisons in Western Samoa.

Cf. 1947, No. 57, s. 44; 1950, No. 94, s. 9

51. Computation of contributory service—(1) Subject to the provisions of this section, for the purpose of computing the length of contributory service of any employee of the Cook Islands Public Service or of the Samoan Public Service, every complete continuous year of service in either of those Services shall be computed as one year and a half.

(2) The foregoing provisions of this section shall not apply with respect to any period served by any such employee on or after the first day of April, nineteen hundred and thirty-one, unless after his having served for not less than ten years in the Cook Islands Public Service or the Samoan Public Service, or partly in one and partly in the other of those Services, the controlling authority directs that this section shall so apply.

(3) After the death of a contributor who at the date of his or her retirement or death was an employee of the Cook Islands Public Service or of the Samoan Public Service, the total annual amount of the widow's annuity and the children's allowances payable under section forty-five of this Act or (in the case of a female contributor) the total annual amount of the children's allowances payable under section forty-six of this Act shall not exceed the amount of the annual salary on the basis of which the contributor was contributing to the Fund at the date of his or her retirement or death. Where necessary, the amount of the widow's annuity and of each allowance shall be reduced by the same proportion so that they do not exceed in the aggregate the maximum amount payable in accordance with this subsection.

Cf. 1947, No. 57, s. 45; 1950, No. 94, s. 10

52. Contributors entitled to pensions from University—

(1) Where any contributor on retirement from the service of the University of New Zealand or of any College of that University is entitled to receive a pension or allowance under an agreement with the University or College, and is also entitled to a retiring allowance under this Part of this Act, he shall not receive both the pension or allowance and the retiring allowance, but the retiring allowance under this Act shall be paid to him and he shall also be entitled to receive so much of the pension or allowance under the agreement as, together with the retiring allowance under this Act, will make up a total sum equal to the pension or allowance that would have been payable to him under the agreement.

(2) Where any such agreement is still in force the University or College may, for and on behalf of the contributor and notwithstanding anything in any Act, pay his contributions to the Fund out of its ordinary revenue.

Cf. 1947, No. 57, s. 49

Am. 1960
No. s.

53. Teachers in endowed colleges or schools—Subject to the consent of the Board in each case, service as a teacher in any endowed college or school (whether before or after the commencement of this Act) shall for the purposes of this Part of this Act be deemed to be employment in the Education service in the case of every person who immediately before the date of his appointment as such teacher was a contributor to the Fund or to any Superannuation Fund abolished by the Superannuation Act 1947.

Cf. 1947, No. 57, s. 50

54. Teachers serving in Fiji or Tonga—Subject to the consent of the Board in each case, service as a teacher in any school under the control of the Government of Fiji or of the Government of Tonga (whether before or after the commencement of this Act) shall for the purposes of this Part of this Act be deemed to be employment in the Education service in the case of every person who immediately before the date of his appointment to that school was a contributor to the Fund or to any Superannuation Fund abolished by the Superannuation Act 1947.

Cf. 1947, No. 57, s. 51

Employees of Service Organisations

55. Employees of service organisations—Subject to the consent of the Board in each case, service as a full time employee of any service organisation (whether before or after the commencement of this Act) shall for the purposes of this Part of this Act be deemed to be employment in the appropriate Department of the Government service in the case of every person who immediately before the date of his appointment as such employee was a contributor to the Fund or to any Superannuation Fund abolished by the Superannuation Act 1947.

Cf. 1947, No. 57, s. 52

Allowances

56. Allowances may be declared to be salary—(1) The Governor-General may from time to time, by Order in Council, declare that any allowance or class of allowances specified in the order shall be deemed to be salary for the purposes of this Part of this Act.

(2) Every Order in Council under this section shall take effect or be deemed to have taken effect on such date as may be specified in that behalf in the order. The date so specified may be before or after the date of the order.

(3) Except as otherwise provided by an Order in Council under this section, no allowance shall be deemed to be or to have at any time been salary as aforesaid.

(4) If any question arises as to whether any payment is an allowance for the purposes of this section it shall be determined by the Minister of Finance, and his decision shall be final.

(5) Nothing in any Order in Council under this section shall apply with respect to any contributor who has retired from the Government service before the date on which the order takes effect.

(6) Nothing in this section or in any Order in Council under this section shall have any force or effect with respect to any payments or benefits which by or under any enactment are expressly declared to be or not to be salary for the purposes of this Part of this Act.

Cf. 1947, No. 57, s. 53

57. Refund of contributions on allowances no longer included in salary—(1) Where any contributor has paid to the Fund or to any Superannuation Fund abolished by the Superannuation Act 1947 any contributions in respect of any

allowance for any period during which the allowance was deemed to be salary, and the allowance has ceased to be salary for the purposes of this Act, he shall, on application, be entitled to receive a refund, without interest, of the contributions so paid.

(2) If the contributions paid by any contributor in respect of any such allowance for any such period have not been refunded to him either before or after the commencement of this Act, the allowance shall be deemed to be and always to have been salary for the purposes of this Act in respect of that period, but not in respect of any subsequent period.

Cf. 1947, No. 57, s. 54 (1) (2); 1950, No. 94, s. 11

58. Value of benefits for house, board, or lodging may be added to salary—(1) For the purposes of this section there shall be a committee consisting of the Secretary to the Treasury and a member of the Public Service Commission, together with—

- (a) The Director of Education (in cases affecting contributors employed in the Education Service); or
- (b) The General Manager of Railways (in cases affecting contributors employed in the Government Railways Department); or
- (c) The Director-General of the Post and Telegraph Department (in cases affecting contributors employed in that Department); or
- (d) The Commissioner of Police (in cases affecting contributors employed in the Police Department).

(2) Where, in respect of any period after the commencement of this Act, any contributor enjoys, whether free of charge or otherwise, a concession or benefit in respect of his employment by way of board or lodging for himself or his family, or by the use of a house, or by way of an allowance instead of being so provided with board or lodging or the use of a house, the contributor may, with the approval of the committee and upon or subject to such conditions as the committee may impose, elect to contribute in respect of the value of that concession or benefit (as determined by the committee) as if it were part of his salary:

Provided that this subsection shall not apply with respect to a lodging allowance paid to any contributor by reason of his being stationed away from his home.

(3) Every decision of the committee under this section shall be final and conclusive.

(4) Where an election is made under this section the Board may direct that arrears of contributions in respect of any period during which the concession or benefit has been enjoyed by the contributor (whether before or after the commencement of this Act), shall be paid by him, together with compound interest thereon computed with yearly rests at such rate as the Board determines, within such time and in such manner as the Board may in any case allow.

(5) So long as any person who makes an election under this section continues to be a contributor to the Fund and to enjoy the concession or benefit he shall not be permitted to discontinue his contributions in respect of the concession or benefit.

(6) Section fifty-seven of this Act shall not apply with respect to any concession or benefit under this section or under section fifty-five of the Superannuation Act 1947.

Cf. 1947, No. 57, s. 55; 1948, No. 79, s. 13; 1950, No. 94, s. 12

Miscellaneous Provisions

59. Computation of salaries of overseas representatives and their officers—Where any overseas representative within the meaning of the External Affairs Act 1943 or any officer appointed under section eight of that Act is a contributor to the Fund, his salary for the purposes of this Part of this Act in respect of any period (whether before or after the commencement of this Act) shall be deemed to be such part of his total remuneration (including any allowances and the value of any benefits) as is determined from time to time by a committee consisting of the Secretary to the Treasury, a member of the Public Service Commission, and the Secretary of External Affairs.

Cf. 1947, No. 57, s. 56

60. Contributions to Fund may be applied in restitution of public money misappropriated by contributor—(1) Where any contributor to the Fund has, whether before or after the commencement of this Act, been convicted in New Zealand or elsewhere on a charge of theft or misappropriation of any public money or public stores, the Minister of Finance may, by writing under his hand, direct that any money standing to the credit of the contributor in the Fund shall from time to time be applied in whole or in part towards the maintenance of the wife and children of the contributor or towards the

maintenance of any other person for whose benefit a maintenance order under the Destitute Persons Act 1910 could be made against the contributor.

(2) If the Minister is satisfied that any such money is not required for any of the aforesaid purposes, he may direct that it be applied in whole or in part in restitution of the amount or value of the money or stores misappropriated or stolen.

(3) Every direction under this section shall be given effect to, notwithstanding anything to the contrary in section ninety-two of this Act.

Cf. 1947, No. 57, s. 57

61. Power to postpone superannuation rights of members of Parliament—(1) Where any contributor to the Fund or to any Superannuation Fund abolished by the Superannuation Act 1947 has retired from the Government service for the purpose of becoming a candidate for a seat in the House of Representatives or by reason of the fact that he has become a member of Parliament he may, with the approval of the controlling authority postpone for such period as the controlling authority approves the acceptance by him of a refund of the contributions made by him to the Fund or the other benefits to which he may be entitled from the Fund and the making of any election which he may be entitled to make in respect of those benefits.

(2) This section shall apply whether the contributor retired before or after the commencement of this Act, or before or after he is entitled to a retiring allowance, and whether his retirement was voluntary or pursuant to any Act or otherwise.

(3) The period approved by the controlling authority as aforesaid shall expire not later than thirteen months after the contributor ceases to be a member of Parliament or (in the case of an unsuccessful candidate at any election who was not a member at the time of the election) shall expire not later than three months after the date of the election. Subject to the foregoing provisions of this subsection, the controlling authority may from time to time extend the period at the request of the contributor. The period may be at any time terminated by the contributor by notice in writing addressed to the Superintendent. The period shall be deemed to commence from the date of the contributor's retirement and, together with any extensions thereof, is hereafter in this section referred to as the period of postponement.

(4) If the contributor is during the period of postponement appointed (whether permanently or temporarily) to the

Government service and, during or after the period of postponement but before he has accepted a retiring allowance or a refund of his contributions, becomes a contributor to the Fund as from the date of that appointment, the period of his contributory service after that appointment shall for the purposes of this Part of this Act be deemed to be continuous with the period of his contributory service before his retirement.

(5) The contributor shall be deemed to continue to be a contributor to the Fund during the period of postponement:

Provided that no contributions shall be payable by the contributor to the Fund, and no payments shall be made to the contributor for his own benefit out of the Fund, in respect of the period of postponement or any part thereof, and no part of that period shall be regarded as part of the period of his contributory service.

Cf. 1947, No. 57, s. 58

AMD. 1060
No. 8

PART III

SUPERANNUATION OF MEMBERS OF ARMED FORCES

62. Interpretation—(1) For the purposes of this Part of this Act, unless the context otherwise requires,—

“Contributing member” means a contributor to the Fund who is a permanent member of the regular forces:

“Her Majesty’s forces” means any of Her Majesty’s naval, military, or air forces, whether established before or after the commencement of this Act, and whether established in New Zealand or elsewhere:

“New Zealand forces” means any of Her Majesty’s forces that have been established in New Zealand, whether before or after the commencement of this Act:

“Regular forces” means any of the New Zealand forces; but does not include any Expeditionary Force or any Interim Force or any force declared by the Minister of Defence not to be or to have been a regular force:

“Permanent member of the regular forces” or “permanent member” means any person who is a member of any of the regular forces by virtue of a contract to serve therein for a specified period not being less than two years or for any subsequent period or periods continuous with any such specified period:

“Salary”, in relation to any member of the New Zealand forces, means the basic pay payable to him, plus the

value of rations or ration allowance as determined by the Minister of Finance; but, except as otherwise provided by or under this Act, does not include any other allowances:

“Service Board” means the Naval Board of New Zealand, or the Army Board, or the Air Board, as the case may require.

(2) A person who received a refund of his contributions to the Fund or retired on a retiring allowance before the fifth day of December, nineteen hundred and fifty-one, shall not be deemed to have been a permanent member of the regular forces during any such subsequent period as is mentioned in the definition of the term “permanent member of the regular forces” in subsection one of this section unless, within such period as the Board may allow, he elects to contribute to the Fund in respect of the whole or any part of any such subsequent period.

Cf. 1947, No. 57, s. 60 (1); 1951, No. 65, ss. 7, 9

63. Application of Part II to permanent members of regular forces—(1) Subject to the provisions of this Part of this Act, the provisions of Part II of this Act shall, so far as they are applicable and with any necessary modifications, apply with respect to permanent members of the regular forces.

(2) The following provisions of Part II of this Act shall not apply with respect to permanent members of the regular forces, namely:

Subsection three of section twenty-one; sections twenty-two, twenty-three, twenty-four, and twenty-six; paragraphs (d) and (e) of section twenty-seven; sections twenty-eight and thirty-six; subsection five of section forty-two; and sections forty-four and fifty-eight.

(3) In their application to permanent members of the regular forces,—

(a) All references in this Act to the controlling authority shall be deemed to be references to the Service Board:

(b) Section twenty-five of this Act shall be read subject to the provisions of section sixty-six of this Act as if service for the purposes of the National Provident Fund Act 1950 were service in the Government service:

- (c) Section thirty-three of this Act shall not apply in the case of any reduction of a contributor's salary by reason of his ceasing to hold any rank higher than his substantive rank but in the case of every such reversion at any time after the third day of September, nineteen hundred and thirty-nine, the contributor shall receive a refund, without interest, of the amount of his contributions to the Fund in respect of the excess of his salary over the salary for the rank to which he reverts (except in respect of any period before the said date), and the amount of that excess shall not be deemed to form part of his salary for the purposes of this Act:
- (d) Subsections three and four of section forty-two of this Act shall not apply in the case of a contributor who retires only because his services are no longer required at the expiration of the period of his engagement unless the length of his contributory service as a permanent member is eight years or more.

Cf. 1947, No. 57, s. 61; 1948, No. 79, ss. 14, 15; 1951, No. 65, s. 10

64. Provisions as to permanent members becoming contributors—(1) Every person who at any time after the commencement of this Act becomes a permanent member of the regular forces and is not a contributor to the Fund shall be a contributor to the Fund from the date of his so becoming a permanent member or from the date on which he attains the age of seventeen years (whichever is the later):

Provided that any such person whose age at the time of his becoming a permanent member of the regular forces is not less than thirty-five years may, with the consent of the Service Board, elect not to become a contributor to the Fund. Every such election shall be made within six months after the person concerned has become a permanent member of the regular forces, or, with the consent of the Board, at any time thereafter.

(2) Subject to the provisions of this Part of this Act, any permanent member of the regular forces who was a permanent member at the commencement of this Part of this Act and is not a contributor to the Fund may, with the consent of the Board, elect to become a contributor to the Fund—

- (a) From the date of his election; or

- (b) From the commencement of the period of his continuous service as a permanent member immediately preceding the date of his election; or
 - (c) From any date during the period of that prior continuous service,—
- not being in any case a date before the day on which he attains the age of seventeen years.

Cf. 1947, No. 57, s. 63; 1948, No. 79, ss. 16, 17; 1951, No. 65, s. 11

65. Election to contribute in respect of previous service in Her Majesty's forces—(1) Subject to the provisions of this Part of this Act, where any contributing member has served as a member of any of Her Majesty's forces for any period or periods before the commencement of his contributory service as a permanent member of the regular forces, he may elect to contribute to the Fund in respect of the whole or any part of that period or those periods of previous service.

(2) Every election under this section shall be made within six months after the contributing member has become a permanent member of the regular forces, or with the consent of the Board, at any time thereafter.

(3) No election shall be made under this section so as to enable any contributing member—

- (a) To contribute to the Fund in respect of any period of service for which he is receiving or has received any pension or retiring allowance; or
- (b) To contribute to the Fund from any date before the date of his attaining the age of seventeen years; or
- (c) To contribute to the Fund in respect of any period of contributory service in excess of ten years before the commencement of his actual continuous service as a permanent member of the regular forces:

Provided that paragraph (c) of this subsection shall not apply to any election in so far as it relates to service as a permanent member of the regular forces.

(4) No election shall be made under this section except with the consent of the Board.

Cf. 1947, No. 57, s. 64; 1948, No. 79, ss. 17, 18; 1951, No. 65, ss. 11 (b), 12, 13 (1), (3)

66. Provisions as to previous contributory service otherwise than in Her Majesty's forces—(1) Where any contributing member was a contributor to the Fund, otherwise than as a

permanent member of the regular forces, in respect of a previous period of contributory service in the Government service which is continuous with his current period and in respect of which he has not received any retiring allowance, he may, with the consent of the Board, elect to count the whole or any part of his previous period of contributory service (computed backwards from the end thereof), but not exceeding ten years, in which case the amount of his contributions to the Fund in respect of the balance of his previous period of contributory service shall be refunded to him without interest:

Provided that, where the contributing member was a contributor to the Fund as a permanent member of the regular forces immediately before that previous period of contributory service in the Government service, he may, with the consent of the Board, elect to count for the purposes of a retiring allowance under section sixty-eight of this Act the whole of his contributory service from the commencement of his first period of service as a permanent member of the regular forces.

(2) Every election under this section shall be made within six months after the contributing member has become a permanent member of the regular forces, or, with the consent of the Board, at any time thereafter:

Provided that where he has become a permanent member by virtue of a contract to serve as an educational officer or as a schoolmaster for a specified period not exceeding five years he may make an election at any time during that period.

(3) Where any contributing member to whom this section applies, but who does not make an election as aforesaid, compulsorily retires as mentioned in section sixty-eight of this Act before becoming entitled to a retiring allowance under Part II of this Act, he may count for the purposes of a retiring allowance under the said section sixty-eight so much of his previous period of contributory service (computed backwards from the end thereof) as is necessary to entitle him to the minimum retiring allowance under that section, but not exceeding ten years; and, if he becomes entitled to such a retiring allowance, then, subject to section sixty-eight of this Act, the amount of his contributions to the Fund in respect of the balance of his previous period of contributory service shall be refunded to him without interest.

Cf. 1947, No. 57, s. 66; 1948, No. 79, ss. 17, 19; 1951, No. 65, ss. 11 (b), 13 (2)

AMD. 1960
No. s.

REP. 1960
No. s.
Substitun.

67. General provisions as to elections—(1) Every election under this Part of this Act shall be made in writing delivered to the Superintendent.

(2) No person shall be entitled to elect under this Part of this Act to become a contributor or to contribute to the Fund in respect of any period during which he was a defaulter within the meaning of the National Service Emergency Regulations 1940.

(3) No person shall be entitled to elect under this Part of this Act to become a contributor or to contribute to the Fund in respect of any previous period of service as a permanent member of the regular forces not earlier than the first day of April, nineteen hundred and forty-six, unless he repays, without interest, the amount of any gratuity paid to him in respect of that previous period of service in accordance with a scale of pay coming into force on or after that date.

(4) Where any person elects under this Part of this Act to become a contributor or to contribute to the Fund in respect of any period or periods before the date of his election he shall pay into the Fund, within such time and in such manner as the Board may allow in that behalf, such sum as the Board may fix in respect of the previous period or periods, and his contributory service shall be deemed to have commenced at the beginning of the previous period or periods, and, if necessary, any contributions paid by him and computed by reference to his age at any later date shall be adjusted accordingly:

REP. 1950
No. : s.
Substitutn.

Provided that, for the purposes of this subsection,—

- (a) The previous period or periods shall be deemed to be a continuous period immediately preceding the contributor's current period of contributory service as a permanent member:
- (b) In fixing the sum to be paid in respect of the previous period or periods the Board shall have regard to the rate of salary that would have been payable to the contributor during the previous period or periods (computed as provided in paragraph (a) of this proviso), taking into account his normal expectation of promotion as certified by the Service Board.

(5) Where no actual liability has been imposed on the Fund by reason of an election made under this Part of this Act, the election may, with the consent of the Board, be revoked by writing delivered to the Superintendent within such time as the Board may determine.

Cf. 1947, No. 57, s. 65; 1950, No. 94, ss. 4 (2), 5 (2), 6 (2)

68. Retiring allowance of permanent members compulsorily retired—(1) Every contributor who, being a permanent member, compulsorily retires from the regular forces for any reason other than misconduct (whether by reason of the expiration of the period of his engagement, or by reason of his attaining the appropriate age for retirement, or otherwise) shall be entitled to receive from the Fund an annual retiring allowance for the rest of his life computed as provided in section thirty-five of this Act if at the date of his retirement the length of his contributory service computed in accordance with this Part of this Act is not less than twenty years.

Amc. 1960
No. s.

(2) For the purposes of this Part of this Act no retirement of a contributor from any Service before the expiration of the period of his engagement or before he attains the appropriate age for retirement, as the case may be, shall be deemed to be compulsory merely because the contributor is deprived of the position held by him in that Service if at any time within three months before the deprivation he has been offered and has failed or refused to accept some other position in the same Service which the Service Board considers suitable for him at a salary not less than that of the position so held by him.

(3) For the purposes of this section the term "Service" means the New Zealand Naval Forces or the New Zealand Army or the Royal New Zealand Air Force.

(4) Every contributor who, being a permanent member, retires from the regular forces in any case to which subsection one of this section does not apply shall, with the consent of the Board, if the Board is satisfied that his retirement has been consented to by the Service Board, be entitled to receive from the Fund an annual retiring allowance for the rest of his life computed as provided in section thirty-five of this Act if at the date of his retirement the length of his contributory service computed in accordance with this Part of this Act is not less than twenty years:

Amc. 1960
No.

Provided that, if the Board in any such case so directs, the retiring allowance shall be computed as if the contributor had retired at such date as the Board may specify, being earlier than the date of his actual retirement but not earlier than the date on which he completed twenty years of contributory service, and in any such case the contributor shall be entitled to receive from the Fund a refund without interest of his contributions to the Fund in respect of his contributory service after the date so specified.

Cf. 1947, No. 57, s. 62; 1950, No. 94, s. 13

69. Retiring allowance when contributing member medically unfit for further duty—(1) Every contributing member who, before becoming entitled to a retiring allowance under this Act, retires from the regular forces on the ground of being medically unfit for further duty shall, if the Board is satisfied that his retirement has been consented to by the Service Board, be entitled to receive from the Fund an annual retiring allowance computed as provided in section thirty-five of this Act:

Provided that the Board, if it thinks fit, may refuse, cancel, or reduce any such retiring allowance if the Board is of opinion that the degree of disability is insufficient to justify the payment of the retiring allowance or any part thereof.

(2) For the purposes of this Part of this Act a contributor shall be deemed to be medically unfit for further duty if on the certificate of at least two medical practitioners approved by the Board it is established to the satisfaction of the Board that by reason of mental or bodily infirmity, not caused by irregular or intemperate habits, the contributor has become substantially unable to perform any duties which the Service Board considers suitable and reasonable for him.

Cf. 1947, No. 57, s. 68; 1955, No. 107, s. 9 (3)

70. Contributors entering Government service after retirement from regular forces—(1) Where any permanent member retires from the regular forces, and within six months thereafter becomes employed in the Government service otherwise than in the regular forces, the following provisions shall apply:

- (a) He may elect to become a contributor under Part II of this Act, in which case his contributory service before his retirement from the regular forces shall be deemed to be continuous with his employment in the Government service thereafter, and his right (if any) to receive a retiring allowance under section sixty-eight of this Act shall cease:
- (b) If he is entitled to receive a retiring allowance under section sixty-eight of this Act, he may elect to continue as a contributor to the Fund and to reserve his right to that retiring allowance, in which case he shall be entitled on his retirement from the Government service to receive that retiring allowance from the date of that retirement, computed by reference to the portion of his contributory service before his retirement from the regular forces, and also, if he is entitled to a retiring allowance under Part II of this

REP. 1960
No. 1 s.
Substitutn.

Act, to receive that retiring allowance computed by reference to the portion of his contributory service subsequent to his retirement from the regular forces, or if he is not entitled to or elects not to receive such a retiring allowance, to receive a refund, without interest, of the amount of his contributions to the Fund in respect of that subsequent portion of his contributory service:

- (c) He may elect to receive a refund, without interest, of his contributions to the Fund, in which case he may become a contributor to the Fund in respect of his employment in the Government service but, subject to the provisions of subsection three of this section, not in respect of any period before his retirement from the regular forces:
- (d) If he is entitled to a retiring allowance under section sixty-eight of this Act, he may elect to receive that retiring allowance.

(2) Every election under this section shall be made within six months after the retirement of the contributor from the regular forces.

(3) Subject to such conditions as the Board may impose, whether as to money to be repaid to the Fund or otherwise, an election may be made under this section notwithstanding that the contributor may have previously received a refund of his contributions or may have previously commenced to receive a retiring allowance.

(4) Where there is an interval between the retirement of the contributor from the regular forces and the commencement of his subsequent employment in the Government service, he may, with the consent of the Board but not otherwise, contribute to the Fund in respect of that interval.

(5) Where any permanent member who has retired from the regular forces on a retiring allowance under section sixty-eight or section sixty-nine of this Act, and whose length of contributory service is less than forty years, is re-employed for full time service as a member of the New Zealand forces, he shall again be a contributor to the Fund from the date of his re-employment at such rate of contribution as the Board determines. In any such case the retiring allowance shall not be payable while he continues to be a contributor; and upon his subsequently ceasing to be a contributor his retiring allowance shall be computed separately in respect of each of his periods of service and of the rate of salary on the basis of which he contributed to the Fund during each of those periods:

Provided that where his retirement was on the ground of being medically unfit for further duty he may with the consent of the Board elect to have his retiring allowance computed in respect of the total length of his periods of contributory service as if they were continuous.

Cf. 1947, No. 57, s. 67; 1951, No. 65, s. 8

71. Effect of loss of pay through punishment—(1) Where, in conjunction with any punishment awarded, the salary of a contributing member is completely stopped for a period of twenty-eight days or more, no contributions shall be payable by the member in respect of that period, and it shall not be counted in computing the length of his contributory service, but shall not be deemed to break the continuity thereof.

(2) Where the salary of a contributing member is completely stopped as aforesaid for a period of less than twenty-eight days, or is partly stopped for any period, his contributions to the Fund shall be payable in respect of that period as if his salary had not been stopped, and that period shall be counted in computing the length of his contributory service.

(3) Where a contributor compulsorily retires from the regular forces by reason of the termination of his engagement by the Service Board before he has attained the appropriate age for retirement, and there has been any reduction of his salary within five years before the date of his retirement by reason of his ceasing to hold higher rank or seniority than his substantive rank or seniority, the Government Superannuation Board, in its discretion, may direct that the contributor shall receive a refund, without interest, of his contributions to the Fund in respect of the excess of his salary over the salary for the rank or seniority to which he reverted, and in any such case the amount of that excess shall not be deemed to form part of his salary for the purposes of this Act.

Cf. 1947, No. 57, s. 69

PART IV

SUPERANNUATION OF MAGISTRATES AND MAORI LAND COURT JUDGES AND THE SOLICITOR-GENERAL

72. Application of Part II to Magistrates and Maori Land Court Judges and the Solicitor-General—Except as herein-after expressly provided, Part II of this Act shall not apply to Magistrates or to Judges of the Maori Land Court or to the Solicitor-General.

Cf. 1947, No. 57, s. 71; 1951, No. 65, s. 14

73. Magistrates and Maori Land Court Judges and Solicitor-General to be entitled to retiring allowances—

(1) This section shall apply with respect to every person appointed to be a Magistrate or a Judge of the Maori Land Court or the Solicitor-General, whether appointed before or after the commencement of this Act, except any such person who is an ordinary contributor to the Fund by virtue of an election to remain an ordinary contributor duly made under section seventy-four of this Act or under any enactment in force at any time before the commencement of this Act.

(2) Every person to whom this section applies who retires from office after attaining the age of sixty-eight years, or who, not having attained that age, becomes, in the opinion of the Governor-General, incapable of performing the duties of his office by reason of any permanent infirmity, or who after not less than fifteen years' service resigns his office after having attained the age of sixty years, shall be entitled on retirement to an annual retiring allowance for the rest of his life computed as follows:

For every year of service as a person to whom this section applies, whether his service is continuous or not, he shall receive one-fortieth part of the annual salary receivable by him at the date of his retirement, and for every fraction of a year of that service he shall receive a proportionate part of one-fortieth of that annual salary, but in no case shall the retiring allowance exceed two-thirds of that salary.

(3) For the purposes of this section the length of service of any person to whom this section applies whose service has not been continuous shall be the aggregate of all his periods of service.

(4) For the purposes of this section every Magistrate or Judge of the Maori Land Court who, whether before or after the commencement of this Act, has been engaged in any capacity in the Cook Islands or in Samoa while holding office as a Magistrate or Judge of the Maori Land Court shall be entitled to count that service as part of his service as a Magistrate or Judge of the Maori Land Court, and every complete year of service in the Cook Islands or in Samoa shall be computed as one year and a half:

Provided that the provisions of this subsection shall not apply with respect to any period served by any Magistrate or Judge of the Maori Land Court on or after the first day of

April, nineteen hundred and forty-eight, unless after his having served for not less than ten years in the Cook Islands or in Samoa or partly in one and partly in the other of those territories, the Minister of Finance directs that this subsection shall so apply.

(5) There shall be deducted and paid into the Fund from the salary of every person to whom this section applies, from time to time as his salary becomes payable, a proportion of that salary computed in accordance with section twenty-nine of this Act by reference to his age at the time of his appointment:

Provided that in the case of a Magistrate in office on the sixth day of November, nineteen hundred and twenty-four (being the date of the commencement of the Finance Act 1924), and being at that date a contributor to the Public Service Superannuation Fund, the proportion shall be the percentage that would have been payable to the Fund if he had elected to remain an ordinary contributor to the Fund:

Provided also that in the case of a Judge of the Maori Land Court in office on the first day of April, nineteen hundred and forty-eight, and being at that date a contributor to the Public Service Superannuation Fund, the proportion shall be the percentage that would have been payable to the Fund if he had elected to remain an ordinary contributor to the Fund.

(6) Any person to whom this section applies, on his retirement, may, at any time before accepting the first instalment of any retiring allowance to which he may have become entitled, elect to accept a refund of his contributions under this section instead of his retiring allowance, in which case he shall be entitled to receive that refund accordingly without interest.

(7) Where any person to whom this section applies before becoming entitled to a retiring allowance retires from office (whether voluntarily or otherwise) he shall be entitled to a refund without interest of the amount of his contributions under this section.

(8) Where any person to whom this section applies dies, whether before or after becoming entitled to a retiring allowance, the provisions of section forty-five or section forty-six and section forty-seven of this Act shall apply so far as they are applicable and with the necessary modifications.

Cf. 1947, No. 57, s. 72; 1948, No. 79, s. 20; 1951, No. 65, s. 14; 1955, No. 107, s. 7 (2)

74. Election to remain an ordinary contributor—Where any contributor to the Fund is appointed to be a Magistrate or a Judge of the Maori Land Court or the Solicitor-General he may, within three months after his appointment, by notice in writing to the Superintendent, elect to remain an ordinary contributor to the Fund, and where any such election is duly made the provisions of Part II of this Act shall continue to apply to the contributor.

Cf. 1947, No. 57, s. 73

PART V

SUPERANNUATION OF JUDGES

75. Interpretation—In this Part of this Act, unless the context otherwise requires,—

“Judge” means—

(a) A Judge of the Supreme Court appointed to hold office during good behaviour:

(b) A Judge of the Court of Arbitration appointed to hold office during good behaviour and the additional Judge of the Court of Arbitration in office at the commencement of this Act:

(c) A Judge of the Land Valuation Court appointed to hold office during good behaviour:

(d) A Judge of the Compensation Court appointed to hold office during good behaviour:

“Contributor” means a Judge who has elected to become a contributor for the purpose of providing an annuity for his widow.

Cf. 1947, No. 57, s. 73B; 1955, No. 107, s. 17

76. Retiring allowances of Judges—(1) Every Judge who has held office for not less than ten years and who—

(a) Retires on attaining the age of seventy-two years; or

(b) Resigns his office after having attained the age of sixty years; or

(c) Satisfies the Governor-General in Council that he has become incapable of performing the duties of his office by reason of any permanent infirmity, and thereupon resigns his office,—

shall be entitled to a retiring allowance in proportion to the amount of his annual salary at the time of retiring or resigning, computed at the rate of an annual allowance of six twenty-

fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of ten years, but not exceeding in any case an allowance of sixteen twenty-fourths of that salary.

(2) Every Judge who has held office for a period of less than ten years but not less than five years and who—

(a) Retires on attaining the age of seventy-two years; or

(b) Satisfies the Governor-General in Council that he has become incapable of performing the duties of his office by reason of any permanent infirmity, and thereupon resigns his office,—

shall be entitled to a retiring allowance in proportion to the amount of his annual salary at the time of retiring or resigning, computed at the rate of an annual allowance of three twenty-fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of five years, but not exceeding in any case an allowance of six twenty-fourths of that salary:

Provided that, if the Governor-General, by Order in Council, so directs in the case of any Judge, his allowance shall be increased from the commencement thereof, or from such later date as may be specified in the order (being before or after the date of the order), to such amount as may be so specified, not exceeding six twenty-fourths of that salary.

Cf. 1947, No. 57, s. 73c; 1955, No. 107, s. 17

77. Election to contribute for widow's annuity—(1) Subject to the provisions of this section, any Judge may, by notice in writing addressed to the Minister of Justice, elect to become a contributor for the purpose of providing an annuity for his widow.

(2) Every such election shall be made within three months after the date on which the Judge assumes office as a Judge, and shall take effect on and from that date.

(3) A Judge who has made an election under this section shall be a contributor so long as he holds office as a Judge.

Cf. 1947, No. 57, s. 73D; 1955, No. 107, s. 17

78. Contributions—(1) From the salary payable to any Judge in respect of any period while he is a contributor, a contribution at the rate of five per cent shall be deducted as the salary becomes payable from time to time.

(2) It is hereby declared that all such contributions shall be deemed to be contributions to a superannuation fund for the purposes of subsection two of section eighty-five of the Land and Income Tax Act 1954.

Cf. 1947, No. 57, s. 73E; 1955, No. 107, s. 17

79. Annuity to widow or refund of contributions on death of contributor—(1) Where any Judge who is a contributor dies, the following provisions shall apply:

(a) If the contributor dies before retiring or resigning his office or after having become entitled to a retiring allowance, and leaves a wife (not being a wife whom he married after retiring or resigning his office), there shall be paid to the widow, at her election, either—

(i) An annuity during her widowhood at the rate of fifteen per cent of the salary of the contributor at the time of his death or retirement or resignation; or

(ii) The amount of the contributions of the deceased Judge under this Part of this Act:

Provided that if the widow remarries after becoming entitled to an annuity under this paragraph the annuity shall not be payable while she is married, but if she again becomes a widow the annuity shall be payable during her subsequent widowhood; but no person shall by virtue of this proviso be entitled to more than one annuity under this Act:

(b) Any such election shall be made by the widow in writing delivered to the Superintendent, and shall be deemed to be final when the first payment under this Part of this Act is accepted by her:

(c) If paragraph (a) of this subsection does not apply, the amount of the deceased Judge's contributions under this Part of this Act shall be paid to his personal representatives in trust for the persons entitled thereto under his will or under the statutes relating to the distribution of intestate's estates, as the case may be.

(2) The value of any annuity payable to the widow of any contributor under this section shall not be deemed to form part of the contributor's dutiable estate for the purposes of the Estate and Gift Duties Act 1955.

Cf. 1947, No. 57, s. 73F; 1955, No. 107, s. 17

80. Refund of contributions where Judge unmarried after retirement—Where any contributor has retired or resigned his office, and his wife has died or he is unmarried, the amount of his contributions under this Part of this Act shall be refunded to him.

Cf. 1947, No. 57, s. 73G; 1955, No. 107, s. 17

81. Appropriation of payments—All retiring allowances, annuities, and refunds of contributions payable under this Part of this Act shall be paid out of the Consolidated Fund without further appropriation than this section:

Provided that, with the prior approval of the Minister of Finance and subject to the terms of any such approval, any such money may be paid out of the Government Superannuation Fund, and recouped to that Fund out of the Consolidated Fund without further appropriation than this section.

Cf. 1947, No. 57, s. 73H; 1955, No. 107, s. 17

PART VI

PARLIAMENTARY SUPERANNUATION

82. Interpretation—(1) In this Part of this Act, unless the context otherwise requires,—

“Member” means a member of the House of Representatives:

“Minister” means the Minister of Finance:

“Salary”, in relation to a member, means the salary payable to him under the Civil List Act 1950.

(2) For the purpose of computing the length of any period of service of any person as a member for the purposes of this Part of this Act,—

(a) Where any period of such service has commenced or ended before the first day of July in any year it shall be deemed to have commenced or ended, as the case may be, at the beginning of that year:

(b) Where any period of such service has commenced or ended on or after the first day of July in any year it shall be deemed to have commenced or ended, as the case may be, at the end of that year.

Cf. 1947, No. 57, s. 75

REP. 1960
No. s.
Substitutn.

83. Contributions by members—(1) From the salary payable to any member a superannuation contribution at the rate of eighty-five pounds a year shall be deducted as the salary becomes payable from time to time.

(2) Where any person commences to receive a retiring allowance under this Part of this Act when his contributions under this section are less than four hundred and twenty-five pounds in respect of the last five years of his service as a member, he shall pay the amount of the deficiency into the Consolidated Fund within such time and in such manner as the Minister may allow in that behalf.

Cf. 1947, No. 57, s. 76; 1955, No. 107, s. 14

84. Retiring allowance of members—Where any person has ceased to be a member at any time after the twenty-seventh day of November, nineteen hundred and forty-seven, after having served as a member for not less than nine years or (where he has served throughout the duration of not less than three Houses of Representatives) for not less than eight years (whether continuously or in two or more separate periods, and whether before or after the said date), and has attained the age of fifty years, he shall be entitled to an annual retiring allowance for the rest of his life, commencing on the day after the date on which he ceased to be a member or on the day on which he attained the age of fifty years (whichever day is the later), and computed as follows:

- (a) For the first eight years of his service as a member he shall receive a retiring allowance at the rate of three hundred and fifty pounds a year:
- (b) For each year of his service as a member in excess of eight years the rate of retiring allowance shall be increased by fifty pounds a year, but in no case shall the rate of the retiring allowance be more than seven hundred pounds a year.

Cf. 1947, No. 57, s. 77; 1955, No. 107, s. 15

85. Election to receive refund of contributions—(1) Where any person has ceased to be a member after having served as a member for less than eight years he may at any time elect to receive a refund of the total amount of his contributions under this Part of this Act, without interest.

(2) Where any person has ceased to be a member after having served as a member for not less than eight years, he may, at any time before accepting the first instalment of a retiring allowance under this Part of this Act, elect to receive a refund of the total amount of his contributions under this Part of this Act, without interest.

AMU. 1960
No. s.

(3) Where any person whose contributions have been refunded under this section subsequently becomes a member, the period of his service as a member for the purposes of this Part of this Act shall be deemed to include the period in respect of which those contributions were paid, and he shall pay the amount so refunded into the Consolidated Fund within such time and in such manner as the Minister may allow in that behalf.

Cf. 1947, No. 57, s. 78; 1955, No. 107, s. 16

ALB. 1500
No. 51

86. Re-election as a member after retiring on allowance— Where any person who is in receipt of a retiring allowance under this Part of this Act again becomes a member, the retiring allowance shall not be payable while he continues to be a member; and upon his subsequently ceasing to be a member the rate of his retiring allowance shall thenceforth be such rate as he may then be entitled to in accordance with this Part of this Act.

Cf. 1947, No. 57, s. 79 (1)

87. Annuity to widow or refund of contributions on death of member—(1) Where any person who is for the time being a member or has at any time after the twenty-seventh day of November, nineteen hundred and forty-seven, been a member dies, whether before or after becoming entitled to a retiring allowance, the following provisions shall apply:

(a) If the deceased person is a male and leaves a wife (not being a wife whom he married after he ceased to be a member), there shall be paid to the widow, at her election, either—

(i) An annuity during her widowhood at two-thirds of the rate of the retiring allowance to which the deceased person was entitled at the time of his death, or (if he was then a member) to which he would have been entitled if he had then ceased to be a member; or

(ii) The amount of the deceased person's contributions under this Part of this Act, less any sums received by him under this Part of this Act during his lifetime:

Provided that if the widow remarries after becoming entitled to an annuity under this paragraph the annuity shall not be payable while she is married, but if she again becomes a widow the

annuity shall be payable during her subsequent widowhood; but no person shall by virtue of this proviso be entitled to more than one annuity under this Act:

- (b) Any such election shall be made by the widow in writing delivered to the Minister, and shall be deemed to be final when the first payment under this Part of this Act is accepted by her:
- (c) If the deceased person is a female, or (being a male) leaves no widow, the amount of his or her contributions under this Part of this Act, less any sums which he or she has received under this Part of this Act in his or her lifetime, shall be paid to the personal representatives of the deceased person in trust for the persons entitled thereto under his or her will or under the statutes relating to the distribution of intestates' estates, as the case may be.

(2) The value of any annuity payable to the widow of any person under this section shall not be deemed to form part of that person's dutiable estate for the purposes of the Estate and Gift Duties Act 1955.

Cf. 1947, No. 57, s. 80; 1950, No. 94, s. 14

88. Appropriation of payments—All retiring allowances and refunds of contributions, and all other money payable under this Part of this Act shall be paid out of the Consolidated Fund without further appropriation than this section:

Provided that, with the prior approval of the Minister of Finance and subject to the terms of any such approval, any such money may be paid out of the Government Superannuation Fund, and recouped to that Fund out of the Consolidated Fund without further appropriation than this section.

Cf. 1947, No. 57, s. 82; 1953, No. 61, s. 8

PART VII

GENERAL PROVISIONS

89. Payment of retiring allowances and annuities—

(1) Every retiring allowance or annuity under this Act shall be paid in advance by four-weekly or monthly instalments as the Board may direct, and no portion of any such instalment shall be recoverable when the retiring allowance or annuity ceases to be payable.

REP. 1950
No. 5

REP. 1950
No. 5
Substitution

(2) Except as otherwise provided in this Act, every such instalment shall be payable to the person entitled to the retiring allowance or annuity (in this section referred to as the beneficiary) personally, unless the Board in its discretion directs that it shall be payable to some other person on behalf of the beneficiary:

Provided that in any case where, by reason of the age or infirmity of the beneficiary or for any other sufficient cause, it is not convenient that payment be made to the beneficiary personally, payment may be made to any person duly authorised by the beneficiary to receive payment on his behalf.

Cf. 1947, No. 57, s. 82A; 1953, No. 61, s. 9

90. Recovery of money paid without lawful authority—All payments received by any person under this Act without that person being lawfully entitled thereto may be recovered as a debt due to the Crown, and when so recovered shall be repaid into the Fund.

Cf. 1947, No. 57, s. 82B; 1953, No. 61, s. 10

91. Election to surrender proportion of retiring allowance and receive cash payment—(1) Where any contributor becomes entitled to a retiring allowance under this Act, he may elect to surrender his right to a proportion of the retiring allowance and to receive instead thereof payment out of the Fund of a sum equal to nine times the amount by which his annual retiring allowance is reduced pursuant to the surrender.

(2) Any election under this section shall be made in writing delivered to the Superintendent before the contributor has received any instalment of his retiring allowance.

(3) The proportion of his retiring allowance which any contributor elects to surrender under this section shall not exceed one-fourth and, on the making of any such election, the annual retiring allowance payable to him shall be reduced by the same proportion as that which he elects to surrender as aforesaid and his rights in respect of the proportion so surrendered shall be deemed to be determined.

Cf. 1947, No. 57, s. 82c; 1955, No. 107, s. 13 (1)

92. Retiring allowances not alienable—(1) Except as expressly provided in this Act or in any other enactment, in no case shall any retiring allowance or other money granted or payable under this Act to any person be in any way assigned

REV. 1960
No. s.
Substitutn.

or charged or pass to any other person by operation of law; nor shall any money payable under this Act on the death of any person be assets for the payment of his debts or liabilities.

(2) This section shall bind the Crown.

Cf. 1947, No. 57, s. 83; 1950, No. 54, s. 5 (2)

93. Annual report and accounts—(1) As soon as practicable after the end of every financial year there shall be prepared by the Board, in such form as the Minister of Finance may from time to time direct or approve, a statement of its revenue account for that year, and of its balance sheet at the end of that year, and a statement of contributors and of retiring and other allowances at the end of that year.

(2) The accounts and statements, accompanied by a report from the Board, after being duly audited by the Audit Office, shall, within ten days after the completion of the audit, be forwarded by the Board to the Minister of Finance, and shall be laid before Parliament within twenty-eight days after the date of their receipt by the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

(3) The report of the Board under this section shall include a report as to the investment of the Fund.

Cf. 1947, No. 57, s. 84; 1951, No. 65, s. 15

94. Actuarial examinations of Fund—(1) For successive periods of such duration, not exceeding five years, as the Governor-General determines in each case, an examination of the Fund shall be made by the Government Actuary.

(2) The Government Actuary shall set forth the result of each such examination in a report, which shall be so prepared as to show the state of the Fund at the end of the period, having regard to the prospective liabilities and assets and the probable annual sums required by the Fund to provide the retiring and other allowances falling due within the ensuing five years without affecting or having recourse to the actuarial reserve appertaining to the contributors' contributions.

(3) The Board shall cause a copy of each such report to be made available for inspection by any contributor on application.

(4) A copy of each such report shall be laid before Parliament within twenty-eight days after the date of its receipt by

the Board if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

Cf. 1947, No. 57, s. 85

95. Annual subsidies from Government and from funds or accounts out of which contributors' salaries are paid—

(1) During each financial year the Minister of Finance shall pay into the Fund out of the Consolidated Fund, without further appropriation than this Act,—

(a) The amount by which the amount of the retiring allowances estimated to be payable out of the Fund during that year exceeds the sum of the proportion of those retiring allowances certified by the Government Actuary as having been provided by the contributions paid in respect of those retiring allowances and the amounts estimated to be paid into the Fund during that year under subsection two of this section; and

(b) The amount required to be paid during that year in order to provide, during such period of years as may be approved by the Minister of Finance, for the amount certified by the Government Actuary as being the deficiency in the Fund.

(2) Where the salaries of any contributors to the Fund are payable out of any fund or account other than the Consolidated Fund there shall be paid out of that fund or account into the Government Superannuation Fund in each financial year, at such time or times during the year as may be approved by the Board, the amount by which the contributions estimated to be paid during that year by contributors whose salaries are paid out of that fund or account are less than the amount certified by the Government Actuary as the total amount of contributions that would require to be so paid if the contributions of contributors provided the total cost of the benefits to which the contributors may become entitled under this Act.

(3) All payments under subsection two of this section out of public moneys shall be made without further appropriation than this Act.

(4) For the purposes of this section the term "retiring allowance" shall be deemed to include any payment made out of the Fund under section ninety-one of this Act.

Cf. 1947, No. 57, s. 86; 1955, No. 107, s. 13 (2)

96. Offences—Every person commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding twelve months who for the purpose of obtaining any payment or benefit or avoiding any obligation for himself or for any other person under this Act makes any false statement to or otherwise misleads or attempts to mislead any person concerned in the administration of this Act or any other person whomsoever.

Cf. 1947, No. 57, s. 87

97. Regulations—(1) The Governor-General may from time to time, by Order in Council, make such regulations as he thinks necessary in order to give full effect to this Act.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:

- (a) Prescribing the powers, functions, and procedure of the Board:
- (b) Prescribing the mode of investment of moneys belonging to the Fund:
- (c) Prescribing any matters which by this Act are required or permitted to be prescribed by regulations.

(3) All regulations made under this section shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

Cf. 1947, No. 57, s. 88

98. Reciprocal arrangements with other Commonwealth Governments or other bodies—(1) The Governor-General may from time to time, by Order in Council, declare that arrangements that have been made with the Government of any part of the Commonwealth outside New Zealand, or with any institution or body in New Zealand or any other part of the Commonwealth, with a view to providing reciprocity in matters relating to superannuation, shall have effect notwithstanding anything to the contrary in this Act or any other enactment; and every such Order in Council shall, subject to the provisions of this section, have effect according to its tenor.

(2) Any Order in Council under this section may be at any time amended or revoked by a subsequent Order in Council;

and any such amending or revoking Order in Council may contain such transitional provisions as appear to the Governor-General to be necessary or expedient.

(3) Every Order in Council made under this section shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

Cf. 1947, No. 57, s. 89

99. Repeals and savings—(1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act, and as if that provision had been in force when the document was made or the thing was done.

(3) All matters and proceedings commenced under any such enactment and pending or in progress at the commencement of this Act may be continued and completed under this Act.

(4) Nothing in this Act shall be construed to reduce the retiring allowance or annuity to which any person may have become entitled at any time before the commencement of this Act.

(5) No person who is a contributor at the commencement of this Act shall on his retirement at any time thereafter be granted a retiring allowance at a rate less than the rate that would have been granted if this Act had not been passed.

(6) Where under Part IV of the Public Service Superannuation Act 1927 any period has been included in the length of service of any contributor and he is contributing to the Fund at a percentage fixed by reference to his age at any date after the commencement of that period, his contributions to the Fund shall, on and after the first day of April, nineteen hundred and forty-eight, be fixed by reference to his age at the commencement of that period:

Provided that that period shall be deemed to be a continuous period immediately preceding the contributor's current period of contributory service, and that the current period of contributory service shall be deemed to include any period to which subsection five of section twenty-six of this Act applies.

(7) The repeal of the following enactments shall not affect the amendments made by those enactments, namely:

(a) Subsections one, three, and four of section ninety of the Superannuation Act 1947:

(b) Subsection two of section three of the Superannuation Amendment Act 1948.

Cf. 1947, No. 57, ss. 39 (2), 70 (3), (4), 91; 1948, No. 79, ss. 3 (2), 21; 1950, No. 94, s. 15; 1955, No. 107, ss. 6 (3), (4), 7 (4), (5), (6)

SCHEDULE

Section 99	ENACTMENTS REPEALED
1947, No. 57—	The Superannuation Act 1947.
1948, No. 35—	The Finance Act 1948: So much of the Schedule as relates to the Superannuation Act 1947.
1948, No. 79—	The Superannuation Amendment Act 1948.
1949, No. 51—	The Statutes Amendment Act 1949: Section 55.
1950, No. 54—	The Crown Proceedings Act 1950: So much of the First Schedule as relates to the Superannuation Act 1947.
1950, No. 94—	The Superannuation Amendment Act 1950.
1951, No. 65—	The Superannuation Amendment Act 1951.
1953, No. 61—	The Superannuation Amendment Act 1953.
1953, No. 73—	The Public Revenues Act 1953: So much of the Schedule as relates to the Superannuation Act 1947.
1954, No. 45—	The Superannuation Amendment Act 1954.
1955, No. 105—	The Estate and Gift Duties Act 1955: So much of the Fourth Schedule as relates to the Superannuation Act 1947.
1955, No. 107—	The Superannuation Amendment Act 1955.
