

Right Hon. Sir J. G. Ward.

PUBLIC SERVICE SUPERANNUATION.

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A BILL INTITULED

AN ACT to provide a Superannuation Fund for the Public Service. **Title.**

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

5 follows:—

1. This Act may be cited as the Public Service Superannuation **Short Title.**
Act, 1907, and shall come into operation on the first day of January, nineteen hundred and eight.

10 2. In this Act, if not inconsistent with the context,— **Interpretation.**
" Board " means the Public Service Superannuation Board established under this Act :

- “Public Service” includes the High Commissioner’s Office, the Legislative Branch, and every Department of the Government service except the Government Railways Department, so much of the Police Department as is included in the Police Provident Fund Act, 1899, and so much of the Education Department as is included in the Teachers’ Superannuation Act, 1905 : 5
- “Contributor” means a contributor to the fund :
- “Department” means every branch of the Public Service which is administered separately : 10
- “Fund” means the Public Service Superannuation Fund :
- “Regulations” means regulations made by the Governor by Order in Council gazetted :
- “Salary” of a contributor means the rate of salary or wages paid in respect of his service, but does not include allowances or payment for overtime. 15

Public Service Superannuation Fund.

- Fund established.** 3. There is hereby established in connection with the Public Service a fund to be called the Public Service Superannuation Fund, which shall be administered by the Board. 20
- Moneys forming fund.** 4. The fund shall consist of—
- (a.) The contributions from contributors as hereinafter provided ;
- (b.) Moneys at any time paid into the fund under sections thirty-three, thirty-four, and thirty-five hereof ; and 25
- (c.) Interest from time to time accruing from investment of the fund as hereinafter provided.
- Investment of fund.** 5. All moneys belonging to the fund shall be paid to the Public Trustee, who shall from time to time invest the same in such manner as is prescribed by regulations. 30
- Public Service Superannuation Board.** 6. The fund shall be administered by a Board called the Public Service Superannuation Board, consisting of nine members, viz. :—
- A Minister of the Crown ;
- Four persons to be appointed and removable by the Governor in Council ; 35
- Two persons to be elected by and from the contributors who belong to the Post and Telegraph Department ; and
- Three persons to be elected by and from the contributors who belong to other Departments of the Public Service.
- Elective members of Board** 7. (1.) With respect to the elective members of the Board the following provisions shall apply :— 40
- (a.) A ballot of the members of the Post and Telegraph Department, and a separate ballot of the members of the other Departments, shall be taken on the first Monday in July, nineteen hundred and eight, and on the first Monday in March in every third year thereafter. 45
- (b.) Every ballot shall be taken in manner prescribed by regulations ; and if any question arises as to the regularity or validity of any ballot, or the voting thereat, such question shall be determined by the Colonial Secretary, whose decision shall be final. 50
- (c.) If any such member of the Board dies, or by notice in writing addressed to the permanent head of the

Colonial Secretary's Department resigns his office, or ceases to be a member of the Public Service, then and in any such case his seat shall become vacant.

5 (d.) Such vacancy shall be filled by election by a ballot of the members of the Department or Departments represented by the vacating member; but the person so elected shall hold office only for the residue of the period during which his predecessor would have held the same if he had remained a member of the Board:

10 Provided that where such vacancy arises within three months before the ordinary election, a ballot shall not be taken, but in lieu thereof the Governor may appoint to such vacancy.

15 (2.) Notice of the election or appointment of every member of the Board shall be gazetted, and such gazetting shall be conclusive evidence of the validity of every such election or appointment.

20 (3.) The members to be appointed by the Governor in Council may be appointed at any time after the coming into operation of this Act, and they, together with the Minister, may, until the first election of the elective members, exercise all the powers and functions of the Board.

8. With respect to the procedure of the Board the following provisions shall apply:— Procedure of Board

25 (a.) The Minister shall be chairman at all meetings at which he is present, and in his absence the Board shall elect some other member to be chairman.

(b.) Five members of the Board shall form a quorum.

30 (c.) Subject to the provisions of this Act and the regulations made thereunder, the Board may regulate its own proceedings.

9. The Governor may from time to time appoint some person to be Secretary of the Board, and such person may hold the office of Secretary in conjunction with any other office which the Governor deems to be not incompatible therewith, and shall receive, out of 35 moneys to be appropriated by Parliament, such salary as the Governor from time to time determines. Secretary of the Board.

Contributors.

40 10. (1.) Every person who on the coming into operation of this Act is permanently employed in any capacity in the Public Service, and every person who on the coming into operation of this Act is employed in any Department, and has been continuously employed in any one or more Departments for a period of five years or more, may at any time within six months after the coming into operation of this Act, by notice in writing to the Secretary of the Board, elect 45 to become a contributor to the fund. Persons employed before commencement of Act may elect to contribute.

(2.) If he so elects, he shall as from the date of his election be a contributor, and entitled to all the benefits of the fund, subject to the provisions of this Act.

50 (3.) If he does not so elect, he shall not at any future time become a contributor to the fund or participate in its benefits, except on payment of a sum computed in the manner prescribed by regulations, and on such conditions as the Board, having due regard

to the interests of the fund, determines; but he shall continue to be entitled to any rights to which but for the passing of this Act he would have been entitled.

(4.) Every person who does not elect to become a contributor, and who has hitherto had a deduction made from his salary under the Civil Service Reform Act, 1886, the Post and Telegraph Classification and Regulation Act, 1890, or the Civil Service Insurance Act, 1893, shall continue to pay such deduction as heretofore. 5

After commencement of Act, contribution to fund a condition of employment.

11. (1.) All persons who are first permanently employed in any capacity in the Public Service after the coming into operation of this Act shall be contributors to the fund, and the provisions of the Post and Telegraph Classification and Regulation Act, 1890, relating to deductions from salaries, and the Civil Service Insurance Act, 1893, shall not apply to such contributors. 10

(2.) Every person who on the coming into operation of this Act is temporarily employed in any capacity in the Public Service may, at any time within six months after having completed five years' continuous service in any one or more Departments, elect, by notice in writing to the Secretary of the Board, to become a contributor to the fund. If he so elects he shall, as from the date of his election, be a contributor entitled to all the benefits of the fund, subject to the provisions of this Act. 15

Contributions.

12. (1.) The contribution from contributors shall in each case be the following percentage of the salary of each contributor respectively, and shall be deducted from the contributor's salary as it becomes payable, that is to say:— 25

- (a.) Five per centum if his age does not exceed thirty years at the time when the first contribution becomes payable;
- (b.) Six per centum if his age then exceeds thirty years but does not exceed thirty-five years;
- (c.) Seven per centum if his age then exceeds thirty-five years but does not exceed forty years;
- (d.) Eight per centum if his age then exceeds forty years but does not exceed forty-five years;
- (e.) Nine per centum if his age then exceeds forty-five years but does not exceed fifty years; and
- (f.) Ten per centum if his age then exceeds fifty years. 30

To be paid to Public Trustee.

(2.) The amount so deducted shall forthwith be paid by the Colonial Treasurer to the Public Trustee to the credit of the fund.

(3.) 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 mentioned in this section shall be calculated respectively in the same manner. 40

Contribution to fund while salary temporarily stopped.

13. If the salary of a contributor is for any period temporarily stopped on the ground of ill health, or if for any period a contributor is on leave of absence without salary, he shall during such period continue to contribute to the fund in such manner and to such extent as may be prescribed by regulations. 45

Provision where contributor liable to deductions under Civil Service Reform Act or Post and Telegraph Classification and Regulation Act.

14. (1.) Where any person who has had or is liable to have any part of his salary deducted under the Civil Service Reform Act, 1886, or the Post and Telegraph Classification and Regulation Act, 1890, becomes a contributor, such deduction shall thereupon cease, and the amount in the hands of the Public Trustee to his credit by virtue of either of such Acts shall be invested independently of the fund for the benefit of the contributor, and shall, on his retirement or death, 50

be paid as provided by such Act, in addition to the benefits to which he is entitled under this Act.

(2.) Where any person who has effected a policy on his life under the Civil Service Insurance Act, 1893, becomes a contributor, he shall be entitled at his option—

Or under Civil Service Insurance Act.

(a.) To keep the policy alive independently of this Act; or

(b.) To surrender the policy and have the surrender value thereof paid to the Public Trustee to be invested independently of the fund, and to be paid, together with all interest accrued thereon, to the contributor on his retirement or to his personal representatives on his death; or

(c.) To surrender the policy and to receive the equivalent of its surrender value in the form of a paid-up policy, following the terms and conditions of the surrendered policy, or such other terms and conditions as may be mutually agreed upon between the policy-holder and the Government Insurance Commissioner.

(3.) The option conferred by the *last preceding* subsection may be exercised by the policy-holder at any time after he becomes a contributor.

(4.) The Governor in Council may at any time direct that the whole or any part of the money standing to the credit of any contributor under subsections *one* and *two* of this section shall be paid to such contributor.

15. When any person who is entitled under the Civil Service Act, 1866, to receive compensation for loss of office becomes a contributor, the following provisions shall apply:—

Provision where contributor entitled to compensation under Civil Service Act, 1866.

(a.) Save in the manner and to the extent hereinafter in this section stated, his right to such compensation shall not be taken away or affected, but shall be cumulative with his right to payment from the fund

(b.) Such compensation shall be calculated only in respect of the period of his employment up to the time when he became a contributor, and in respect of his salary at the time when he became a contributor.

(c.) If on his retirement from the Public Service he receives and accepts a retiring-allowance from the fund, he shall thereby forfeit his right to such compensation. He shall be deemed to have received and accepted a retiring-allowance when he has received and accepted his first instalment thereof.

(d.) If on his retirement from the Public Service he receives and accepts such compensation, he shall forfeit his right to a retiring-allowance from the fund, and no annuity or periodical payment shall be payable out of the fund on his death; but the acceptance of such compensation shall not affect his right to a return of the contributions made by him to the fund, or, in case of his death, the right of any other person to a return of such contributions.

(e.) If after he has retired from the Public Service he dies before he has received and accepted either a retiring-allowance

from the fund or compensation under the said Act, such compensation (if any) shall be payable to his personal representatives, and no moneys shall be payable out of the fund except the amount of his contributions.

- (f.) Notwithstanding anything hereinbefore contained, if a contributor who has received and accepted a retiring-allowance dies before the amount paid to him in respect of such allowance is equal to the aggregate amount of the compensation to which he was so entitled and his contributions to the fund, the difference between the said amounts shall be payable out of the fund to and on behalf of the persons entitled, under the provisions of sections twenty-five and twenty-six of this Act, to the balance (if any) of his contributions to the fund. 5 10

Disputes as to service, &c., to be determined by Board.

16. If any dispute arises as to whether any person is a member of the Public Service within the meaning of this Act, or as to whether any person is, or is entitled or bound to become, a contributor to the fund, or as to the length of service of any contributor, such dispute shall be determined by the Board, and the determination of the Board shall be final and conclusive. 15 20

Benefits of the Fund.

Application of fund.

17. The fund shall be held and applied for the benefit of the contributors in the manner and subject to the conditions hereinafter set forth.

Retiring-allowance.

18. (1.) Every male contributor whose length of service is not less than forty years or whose age is not less than sixty years, and every female contributor whose length of service is not less than thirty years or whose age is not less than fifty years, may at any time retire from the Public Service at the expiration of three months' notice of his or her intention so to do, and shall thereupon be entitled to receive from the fund an annual retiring-allowance for the rest of his or her life computed as follows:— 25 30

For every year of service such contributor shall receive one-sixtieth part of his or her annual salary, but in no case shall the retiring-allowance exceed two-thirds of such salary: 35

Provided that the Board may, with the consent of the Minister in charge of the Department in which any contributor is employed, extend the provisions of this section to any case in which the contributor's service is not less than thirty-five years. 40

Definition of "service."

(2.) In the *last preceding* subsection the term "service" means,—

- (a.) In the case of an original contributor, continuous employment in the service of the Government up to the date of the contributor's retirement, whether permanent or temporary, and whether before or after the date at which he becomes a contributor, and whether in the Public Service or in any one or more of the other branches of the Government service; and 45
- (b.) In the case of a contributor who is not an original contributor, continuous employment in the Public Service 50

from the date at which he becomes a contributor up to the date of his retirement.

(3.) For the purpose of computing a retiring - allowance in accordance with this section the Government service shall be deemed
5 to include the service of any Provincial Government.

(4.) The term "original contributor" means a person who becomes a contributor under the provisions of section *ten* hereof.

19. (1.) Every contributor who, with the consent or by the direction of the Minister, retires from the Public Service on the
10 ground of being medically unfit for further duty shall on his retirement be entitled to receive from the fund a retiring-allowance for the rest of his life, computed as mentioned in the *last preceding* section.

Retiring-allowance when contributor medically unfit for further duty.

(2.) In the case of a retiring-allowance being granted on the
15 ground of the contributor being medically unfit for further duty, such retiring allowance, or any one or more instalments thereof, may be forfeited by the Board if the contributor fails at any time to submit himself for further medical examination when required by the Board, or if, being reported on such examination to be medically fit to return
20 to duty, the contributor fails to do so when required by the Minister in charge of the Department from which he retired ; but this subsection shall not apply to any male contributor after he has attained the age of sixty years, or to any female contributor after she has attained the age of fifty years.

(3.) For the purposes of this Act a contributor shall be deemed
25 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, such contributor has become permanently unable to perform his duties.
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20. (1.) If any contributor who has retired from the Public Service on a retiring-allowance is permanently reappointed to the Public Service, his retiring-allowance shall thereupon cease to be payable, and he shall again become a contributor to the fund ; and
35 if he subsequently retires from the said service his retiring allowance shall be calculated separately in respect of his two successive periods of service and of the salary received by him in each of such periods.

Provision when contributor reappointed to Service after having retired on allowance.

(2.) When in any other case than that provided for by the *last*
40 *preceding* subsection a contributor returns to duty while in receipt of a retiring-allowance, or receives payment for services rendered by him to or for any branch of the Government service while in receipt of a retiring-allowance, then no more of such retiring-allowance shall be paid than is equivalent, when added to the remuneration so
45 received by him in any one year, to his annual salary at the date of his retirement.

21. A contributor may on his retirement, or at any time before accepting the first instalment of his retiring-allowance, elect to accept
50 a sum equal to the total amount of his contributions to the fund in lieu of his retiring-allowance, in which case he shall be entitled to receive such sum accordingly without interest, but no further sum shall be payable out of the fund in the event of his death.

Contributor may elect to receive refund of contributions.

putation of
retiring-allowances.

22. For the purpose of computing the retiring-allowance to be granted to a contributor, his salary shall be deemed to be the average rate of salary received by him during the three years next preceding his retirement, or if his service has not continued for three years, then during the period of his service :

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Provided that where by reason of the age or infirmity of a contributor his salary has been reduced, or he has been transferred to a position inferior to that which he previously occupied, his retiring-allowance shall be computed on the average rate of salary received by him during the three years next preceding such reduction or transfer.

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Retiring-allowance
to be paid monthly.

23. A retiring-allowance shall be paid by equal monthly instalments, the first instalment being payable one month after the date of the contributor's retirement.

Contributor
voluntarily retiring
or dispensed with
entitled to refund of
contributions.

24. If any contributor voluntarily retires from the Public Service before becoming entitled to a retiring-allowance under this Act, or if his services are dispensed with from any cause, he shall be entitled to a refund of the whole amount actually contributed by him to the fund, but without interest.

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Death of male
contributor.

25. If any male contributor dies, whether before or after becoming entitled to a retiring-allowance, the following provisions shall apply :—

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

(i.) An annuity of eighteen pounds during her widowhood ; or

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

(b.) Any such election by the widow shall be final, and shall be deemed to be made when the first payment from the fund is received and accepted by her.

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(c.) If the said contributor leaves a child or children under the age of fourteen years, there shall be paid out of the fund to or on behalf of each such child the sum of five shillings a week until such child attains the age of fourteen years.

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(d.) If the said contributor leaves no widow, the amount of his contributions to the fund, less any sums which he has received out of the fund in his lifetime, and less any sums which have been paid or may become payable in the future to or on behalf of any child or children under the age of fourteen years under the foregoing provisions, shall be paid to the personal representatives of the deceased contributor in trust for the persons entitled thereto under his will, or, in case of intestacy, for the next-of-kin or other persons entitled to his estate under the Statutes of Distribution.

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Death of female
contributor.

26. When any female contributor dies, whether before or after becoming entitled to a retiring-allowance, the following provisions shall apply :—

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(a.) If she leaves a child or children under the age of fourteen years, there shall be paid out of the fund to or on behalf

of each such child the sum of five shillings a week until such child attains the age of fourteen years.

(b.) The amount of the contributions of such deceased contributor, less any sums which she has received out of the fund in her lifetime, and less any sums which have been paid or may become payable in the future to or on behalf of any child under the age of fourteen years under the foregoing provisions of this section, shall be paid to her personal representatives in trust for the persons entitled thereto under her will, or, in case of her intestacy, for the next-of-kin or other persons entitled to her estate under the Statutes of Distribution.

27. (1.) Any moneys payable out of the fund under either of the *two* last preceding sections to or on behalf of a child under the age of fourteen 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 such other person thinks fit.

Payment on behalf of child under fourteen.

(2.) Any moneys payable out of the fund under either of the *two* last preceding sections to the personal representatives of a deceased contributor may, if no grant of probate or 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 under this Act.

28. When compensation is paid by the Crown or any Government Department under the provisions of the Workers' Compensation for Accidents Act, 1900, or any Act amending or substituted for that Act, in respect of an accident to a contributor, the following provisions shall apply:—

Provision where compensation paid under Workers' Compensation for Accidents Act.

(a.) Where such compensation is paid to the contributor in respect of an accident by which he has become medically unfit for further duty, all moneys so received by him, whether by way of a weekly payment or otherwise, shall to the extent thereof be deemed to be received in satisfaction of his retiring-allowance under this Act, and such allowance shall be reduced or postponed accordingly in such manner as the Board directs.

(b.) Where any such compensation has been received in respect of the death of a contributor by any person entitled under this Act to receive any annuity or periodical payment in consequence of such death, the compensation so received by that person shall to the extent thereof be deemed to be received in satisfaction of such annuity or periodical payment, and the same shall be reduced or postponed accordingly in such manner as the Board directs.

(c.) No such compensation shall take away or affect the right of a contributor or any other person to receive from the fund under the provisions of this Act the amount of the contributions made to the fund by a contributor.

29. The widow and children of a contributor who dies while in the Public Service shall not be entitled to any gratuity under section forty of the Civil Service Act, 1866.

Gratuities under Civil Service Act, 1866, abolished.

-allowance
enable.

30. In no case shall any retiring-allowance or other moneys granted or payable out of the fund to any person be in any way assigned or charged or pass to any other person by operation of law; nor shall any moneys payable out of the fund on the death of a contributor be assets for the payment of his debts or liabilities. 5

Miscellaneous.

Board to keep
accounts.

31. (1.) Before the first day of April in each year there shall be prepared by the Board, in such form as may be prescribed by regulations, a statement of its revenue account for the year ended on the thirty-first day of December preceding, and of its balance-sheet at the close of such year, and a statement of membership and of retiring and other allowances at the close of such year. 10

(2.) Such accounts and statements, accompanied by a report from the Board, after being audited by the Audit Office, shall, within ten days after the completion of the audit, be forwarded by the Board to the Colonial Secretary, who shall within ten days after the receipt thereof lay the same before Parliament if then sitting, or if not, then within ten days after the commencement of the next ensuing session. 15

Triennial
examination by
actuary.

32. (1.) For the period ending on the thirty-first day of December, nineteen hundred and ten, and for each triennial period thereafter, an examination of the fund shall be made by an actuary appointed by the Governor. 20

(2.) The actuary shall set forth the result of such examination in a report, which shall be so prepared as to show the state of the fund at the close 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 three years without affecting or having recourse to the actuarial reserve appertaining to the contributors' contributions. 25

(3.) The Board shall cause such report to be printed and a copy thereof to be supplied to each contributor. 30

(4.) A copy of such report shall, within ten days after it is received, be laid before Parliament if then sitting, or if not, then within ten days after the commencement of the next ensuing session.

Annual contribution
to fund by
Government.

33. Forthwith after the coming into operation of this Act, and in the month of January in every year thereafter, the Colonial Treasurer shall pay into the fund and out of the Consolidated Fund the sum of twenty thousand pounds without further appropriation than this Act. 35

Payment from
Consolidated Fund
in case of deficiency.

34. In the event of the fund at any time being unable to meet the charges upon it, and as often as this occurs, the following provisions shall apply:— 40

(a.) The Board shall forthwith report the fact to the Colonial Treasurer, setting forth the amount of the deficiency and the causes thereof. 45

(b.) The Colonial Treasurer, upon being satisfied that the deficiency exists, and that provision is necessary therefor, shall, without further appropriation than this Act, pay into the fund and out of the Consolidated Fund a sum sufficient to meet the deficiency. 50

(c.) The Board's report, together with a statement by the Colonial Treasurer of his action thereon, shall be laid before Parliament within ten days after the receipt of the report if Parliament is then sitting, or if not, then within ten days after the commencement of the next ensuing session.

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10 35. (1.) Fines which, pursuant to any Act or regulations relating to the Public Service, would but for the passing of this Act be payable to any other fund shall hereafter be paid into the Public Service Superannuation Fund and shall form part thereof. Fines to be paid to fund.

(2.) Nothing in this section shall apply to any fines payable into the Police Provident Fund or the Government Railways Superannuation Fund.

15 36. The Governor may from time to time, by Order in Council Regulations. gazetted, make such regulations as he thinks necessary for any of the following purposes:—

(a.) Prescribing the manner in which elections shall be conducted, and the facilities to be given to members of the Public Service for voting thereat, and to the members of the Board for attending meetings thereof;

20 (b.) Prescribing the powers, functions, and procedure of the Board with respect to the fund;

(c.) Prescribing the mode of investment of moneys belonging to the fund; and

25 (d.) Generally prescribing whatever else he thinks necessary in order to give full effect to this Act.

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

30 (a.) Any Judge of the Supreme Court or of the Court of Arbitration:

(b.) Any person entitled under any Act to receive a pension on his retirement from the Public Service:

(c.) Any person who is remunerated by fees or commission and not by wages or salary:

35 (d.) Any person who is appointed to any place or office which the Governor has by Order in Council at or before the time of such appointment declared not to be subject to the provisions of this Act.

Other Superannuation Funds.

40 38. Where prior to the coming into operation of this Act any person has been transferred from the Public Service to the service of the New Zealand Railway Commissioners or to the Government Railways Department, and has served continuously in the Public Service and that service or Department, then, for the purpose of computing his retiring-allowance under the Government Railways Superannuation Fund Act, 1902, such service shall be deemed to be service in that Department within the meaning of that Act. Provisions when person transferred from Public Service to Government Railways Department.

50 39. Any contributor to the Police Provident Fund, the Government Railways Superannuation Fund, the Teachers' Superannuation Fund, or the Public Service Superannuation Fund who is after the passing of this Act transferred from one branch of the Govern- Transfer from one branch of Service to another not to affect contribution to original fund.

ment service to another shall continue as a contributor to the fund which he originally joined, and shall be entitled to the benefits accruing thereunder in the same manner as if no such transfer had taken place.

Contributions by
future contributors
to Police
Provident and
Railways
Superannuation
Funds.

40. Every person who after the passing of this Act becomes a contributor to the Police Provident Fund or the Government Railways Superannuation Fund shall contribute to such fund at the same rate as that provided for by section *twelve* of this Act. 5