



ANALYSIS

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1950, No. 94

AN ACT to Amend the Superannuation Act, 1947.

Title.

[1st December, 1950

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

1. (1) This Act may be cited as the Superannuation Amendment Act, 1950, and shall be read together with and deemed part of the Superannuation Act, 1947 (hereinafter referred to as the principal Act).

Short Title and commencement.
1947, No. 57

(2) Except as otherwise hereinafter provided, this Act shall be deemed to have come into force at the commencement of the principal Act.

Service in
armed forces.

1948, No. 79

2. Section two of the principal Act is hereby amended by adding to the definition of the term "Government service" (as amended by section three of the Superannuation Amendment Act, 1948) the words "but does not include service in any of His Majesty's forces except as a permanent member of the regular forces within the meaning of Part III of this Act".

Administration
expenses.

3. (1) Section thirteen of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the words "out of the Government Superannuation Fund Account, in accordance with the appropriation of Parliament", and substituting the words "out of moneys to be appropriated by Parliament":

(b) By omitting from subsection two the word "other".

(2) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty.

Military
defaulters.

4. (1) Section twenty-three of the principal Act is hereby amended by inserting, after subsection one, the following subsection:—

"(1A) 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."

(2) Section sixty-five of the principal Act is hereby amended by inserting, after subsection one, the following subsection:—

"(1A) 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."

Serial number
1944/50
(Reprint)

Serial number
1944/50
(Reprint)

Refund of
regular force
gratuity on
election to
count previous
service.

5. (1) Section twenty-three of the principal Act (as amended by section four of this Act) is hereby further amended by inserting, after subsection one A, the following subsection:—

"(1B) 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."

(2) Section sixty-five of the principal Act (as amended by section four of this Act) is hereby further amended by inserting, after subsection one A, the following subsection:—

"(1B) 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."

6. (1) Section twenty-three of the principal Act is hereby amended by adding the following subsection:—

Revocation of elections with consent of Board.

"(4) 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 Secretary of the Board within such time as the Board may determine."

(2) Section sixty-five of the principal Act is hereby amended by adding the following subsection:—

"(3) 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 Secretary of the Board within such time as the Board may determine."

7. Section twenty-four of the principal Act is hereby amended by repealing the proviso to paragraph (a), and substituting the following provisos:—

Retirement from Education service.

"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 Secretary of the Board or to the Minister of Education of his retirement therefrom: ”.

Re-employment of contributor after retiring on allowance.

8. Section thirty-eight of the principal Act is hereby amended by adding the following subsection as subsection two:—

“(2) This section shall extend so as to apply to any person who has before the commencement of this Act 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 the commencement of this Act) become a contributor to any of those funds or to the Government Superannuation Fund.”

Persons deemed to be permanent officers of the Samoan Public Service.
See Reprint of Statutes, Vol. II, p. 791

9. (1) Section forty-four of the principal Act is hereby amended by adding the following subsection:—

“(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 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 New Zealand Reparation Estates:

“(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.”

(2) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty, being the date of the commencement of the Samoa Amendment Act, 1949.

1949, No. 47

Computation of contributory service in Cook Islands and Samoan Public Services.

10. (1) Section forty-five of the principal Act is hereby amended by omitting the word “ officer ” from subsections one, two, and three, and substituting in each case the word “ employee ”.

(2) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty.

11. Section fifty-four of the principal Act is hereby amended by omitting from subsection one the words "part of his".

Refund of contributions on allowances no longer deemed to be salary.

12. (1) Section fifty-five of the principal Act is hereby amended by inserting, after subsection three, the following subsections:—

House allowances, &c., not to be added to salary in certain cases.

"(3A) Where any person who is a contributor to the Fund at any time after the commencement of this Act was a contributor to the Public Service Superannuation Fund or the Teachers' Superannuation Fund on the first day of October, nineteen hundred and twenty-five, and did not make the election prescribed by the proviso to subsection five of section twenty-nine of the Finance Act, 1925, or the election prescribed by section twenty-six of the Finance Act, 1932-33 (No. 2), subsections one and two of this section shall not apply to him unless he so elects by notice in writing delivered to the Secretary of the Board on or before the thirty-first day of March, nineteen hundred and fifty-one, or within such further time as may in any case be allowed by the Board.

1925, No. 51
1932-33, No. 45

"(3B) With respect to service in the Education service of any such contributor who does not so elect under subsection three A of this section, the following provisions shall apply:—

"(a) In the case of a person employed as the head or sole teacher of a public school during any period not earlier than the first day of October, nineteen hundred and thirty-eight, his salary for that period for the purposes of this Part of this Act shall be deemed to be reduced by an amount to be fixed in accordance with regulations under the Education Act, 1914, as the rent for the house provided for his use or, as the case may be, as the rent that would be payable if a house were provided for his use:

See Reprint of Statutes, Vol. II, p. 1007

"(b) In the case of a male person employed as the principal of a secondary school or a combined school or a technical school during any period

See Reprint
of Statutes,
Vol. II, p. 1007

not earlier than the first day of February, nineteen hundred and forty-four, his salary for that period for the purposes of this Part of this Act shall be deemed to be reduced by an amount to be fixed in accordance with regulations under the Education Act, 1914, as the rent for the house provided for his use or, as the case may be, as the rent that would be payable if a house were provided for his use:

“(c) In the case of any person who during any period not earlier than the first day of February, nineteen hundred and forty-five, while employed as a teacher in a secondary school or a combined school or a technical school and paid additional salary as a resident teacher at any school hostel, is or has been provided with board or lodging in a hostel connected with the school, his salary for that period for the purposes of this Part of this Act shall be deemed to be reduced by the value of the benefit so received as determined by a committee in accordance with subsection two of this section.”

(2) Section fifty-five of the principal Act is hereby further amended by omitting from subsection three the words “ This section ”, and substituting the words “ Subject to the following provisions of this section, subsections one and two of this section ”.

13. Section sixty-two of the principal Act is hereby amended by adding the following subsection:—

“(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-one 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:

Retiring
allowance of
permanent
members of
regular forces
retiring after
twenty years'
service.

“ 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.”

14. Section eighty of the principal Act is hereby amended by adding the following subsection as subsection two:—

“(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 estate for the purposes of the Death Duties Act, 1921.”

Exemption from death duties of annuities to widows of members.

See Reprint of Statutes, Vol. VII, p. 354

15. Section ninety-one of the principal Act (as amended by section twenty-one of the Superannuation Amendment Act, 1948), is hereby further amended by adding the following subsection:—

“(9) 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, as from the commencement of this Act, be fixed by reference to his age at the commencement of that period:

Contributions by teachers who purchased service under Public Service Superannuation Act, 1927.

1948, No. 79
See Reprint of Statutes, Vol. VII, p. 587

“ 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 three of section twenty-three of this Act applies.”