

Serial Number 1940/321.



THE GOVERNMENT SUPERANNUATION FUNDS (ANNUITIES FOR DEPENDANTS) REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 24th day of December, 1940.

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to section 13 of the Finance Act (No. 2), 1940, as amended by section 16 of the Finance Act (No. 4), 1940, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations with respect to the right conferred by the said sections on contributors to any Government superannuation fund to elect to surrender portion of the retiring-allowances to which they would be entitled on retirement in order to provide for the payment after their death of annuities to their surviving widows or approved dependants.

REGULATIONS.

1. These regulations may be cited as the Government Superannuation Funds (Annuities for Dependants) Regulations 1940.

DEFINITIONS.

2. (1) In these regulations—

“Contributor” includes a retired contributor who is entitled to make an election in accordance with the said section :

“Nominated annuitant”, in relation to a contributor, means the person (being his wife or an approved dependant) in whose favour an election is made by the contributor in accordance with these regulations, and includes the person nominated by the contributor in his request for particulars to enable him to make an election, whether or not he afterwards decides to make an election :

“The said section” means section 13 of the Finance Act (No. 2), 1940, as amended by section 16 of the Finance Act (No. 4), 1940.

(2) Where a contributor to whom these regulations relate is a married woman, references therein to the wife of the contributor shall be read as references to the husband of the contributor.

PROCEDURE PRIOR TO THE MAKING OF ELECTIONS BY
CONTRIBUTORS.

3. (1) Any contributor to a Government superannuation fund may, at any time after he has become entitled to make an election under the said section, request the Board to ascertain the amount of the annuity that would be provided after his death for the benefit of his wife or an approved dependant, for every pound of his retiring-allowance that he may elect to surrender in order to provide for such annuity. It shall not be necessary in any such request to specify the amount that the contributor may be prepared to surrender in the event of his making an election.

(2) Every request under this clause shall be in writing addressed to the appropriate Board, and shall state—

(a) The date of birth of the contributor :

(b) The date of his retirement or the date fixed for his retirement, as the case may be, or, in the case of a contributor who, though not about to retire, is entitled to make an election by virtue of section 16 of the Finance Act (No. 4), 1940, the date on which he would have been entitled to retire on a retiring-allowance if he had given the required notice of intention to retire :

(c) The name and the date of birth of his wife or other dependant in whose favour any election that he may decide to make will be made :

(d) The name of the medical practitioner (if any) whom the contributor nominates for the purposes of his medical examination in accordance with clause 4 hereof.

(3) Every such request shall be accompanied by a certificate of the date of birth of the nominated annuitant, or by such other evidence as the Board may require of the age of the nominated annuitant.

(4) On receipt of a request by a contributor, in accordance with the foregoing provisions of this clause, the Board shall cause the necessary actuarial computations to be made by the Government Actuary.

(5) In making his computations the Government Actuary shall take into account the possibility of the contributor surviving his wife or other nominated annuitant, and shall furnish to the Board particulars showing separately—

(a) The amount of the annuity that would be provided (in the event of the nominated annuitant surviving the contributor) for every pound of retiring-allowance that the contributor may elect to surrender immediately ; and

(b) The amount or the additional amount, as the case may be, of the annuity that would be provided (in the event of the nominated annuitant surviving the contributor) for every pound or additional pound of retiring-allowance that the contributor may (in the event of the contributor surviving the nominated annuitant) elect to surrender upon the death of the nominated annuitant.

(6) Forthwith on receipt from the Government Actuary of the necessary particulars, the Board shall advise the contributor in writing of the terms on which he can make an election.

(7) Where in his request the contributor nominates a person other than his wife as the nominated annuitant, the Board shall, in its advice to the contributor, state whether or not the person so nominated is approved by the Board for the purposes of any election that he may decide to make. No election shall be made in favour of any such nominated annuitant so as to provide a rate of annuity in excess of the rate of the retiring-allowance retained by the contributor.

(8) The Board shall also, in its advice to the contributor, nominate a registered medical practitioner to whom the contributor, in the event of his deciding to make an election, must submit himself for medical examination. The medical practitioner nominated by the Board may be the medical practitioner nominated by the contributor, or any other medical practitioner.

MEDICAL EXAMINATION OF CONTRIBUTORS.

4. (1) Except as provided in subsection (5) of section 16 of the Finance Act (No. 4), 1940, no election under these regulations shall be considered by the Board unless and until it has received a certificate as to the condition of the contributor's health from the medical practitioner nominated by the Board for the purpose; or, where the contributor has nominated another medical practitioner, unless and until it has received a joint certificate or separate certificates from the medical practitioners nominated respectively by the Board and the contributor.

(2) If the Board or the contributor is not satisfied with any such medical certificate the Board may, and if so requested by the contributor shall, require the contributor to submit himself for examination to another medical practitioner nominated by the Board for the purpose.

(3) Where the Board requires any further medical examination of the contributor in accordance with the last preceding subclause, the cost thereof shall be paid out of the appropriate fund. In all other cases, the expenses involved in obtaining any medical certificate for the purposes of these regulations shall be borne by the contributor.

(4) Every medical certificate given for the purposes of these regulations shall be in the form No. 1 in the Schedule hereto or to the effect thereof.

5. (1) Where, in accordance with the said section and these regulations, a contributor is required to submit himself for medical examination, no election shall be accepted by the Board unless it is satisfied, in accordance with a medical certificate received as aforesaid, that the health of the contributor, having regard to his age, is satisfactory and that there is no definite evidence of any condition likely to reduce his normal expectation of life.

(2) If the Board, in accordance with the medical evidence, decides to reject any election, its decision shall be final.

ELECTIONS BY CONTRIBUTORS.

6. (1) Every election made by a contributor in accordance with these regulations shall be in writing in the form No. 2 or the form No. 3 in the Schedule hereto, as the case may require.

(2) Except as provided in subsection (6) of section 16 of the Finance Act (No. 4), 1940, any election made in accordance with these regulations may be revoked by a contributor at any time before his retirement, or at any time after his retirement and before any instalment of his retiring-allowance or of his reduced retiring-allowance, as the case may be, has been paid.

(3) If a contributor, having made an election under these regulations, dies before the date fixed for his retirement, or if the wife or approved dependant in whose favour an election has been made under these regulations dies before or after the retirement of the contributor and before the first instalment of his retiring-allowance or of his reduced retiring-allowance, as the case may be, has been paid, the election shall, except in cases to which subsection (6) of section 16 of the Finance Act (No. 4), 1940, applies, be deemed to have been revoked.

(4) The revocation of an election by a contributor shall not debar the contributor from making a fresh election within the time limited by the said section or by section 16 of the Finance Act (No. 4), 1940.

SCHEDULE.

MEDICAL CERTIFICATE.

[Form No. 1.

I (We) hereby certify that on the day of, 19.., I (we) examined [*Name of contributor*] of, a contributor to the Superannuation Fund, and that I am [*We are*] of opinion that, having regard to his age, his health is [*is not*] satisfactory, and that there is no definite evidence of any condition likely to reduce his normal expectation of life, or [*as the case may require*] there is definite evidence of a condition likely to reduce his normal expectation of life.

Dated at, this day of, 19..

[*Signature(s) of Medical Practitioner(s).*]

[Form No. 2.

ELECTION BY CONTRIBUTOR TO THE SUPERANNUATION FUND TO SURRENDER IMMEDIATELY PORTION OF HIS RETIRING-ALLOWANCE IN CONSIDERATION OF THE PAYMENT OF AN ANNUITY TO HIS WIDOW OR APPROVED DEPENDANT.

To the Secretary,

..... Superannuation Board, Wellington.

PURSUANT to section 13 of the Finance Act (No. 2), 1940, as amended by section 16 of the Finance Act (No. 4), 1940, and to the regulations thereunder, I, the undersigned, do hereby elect to surrender the sum of £..... per annum, being portion of the retiring-allowance to which I am entitled as a contributor to the Superannuation Fund, in consideration of the payment after my death to [*Name in full and description of nominee*]* of an amount to be computed in accordance with the terms of your advice dated the day of, 19..

†In the event of the nominated annuitant predeceasing me, I also elect that my retiring-allowance shall continue without further reduction after the death of the nominated annuitant

Or,—

In the event of the nominated annuitant predeceasing me, I also elect that my retiring-allowance shall be further reduced on the death of the nominated annuitant by £..... per annum.

Dated at, this day of, 19..

[*Signature of Contributor.*]

* Here state whether nominated annuitant is the wife or husband, or approved dependant of contributor.

† Contributor to strike out alternative that he does not elect to adopt.

[Form No. 3.

CONTINGENT ELECTION BY CONTRIBUTOR TO THE SUPERANNUATION
FUND TO SURRENDER PORTION OF HIS RETIRING-ALLOWANCE ON THE
DEATH OF HIS WIFE OR OTHER APPROVED DEPENDANT.

To the Secretary,

..... Superannuation Board, Wellington.

PURSUANT to section 13 of the Finance Act (No. 2), 1940, as amended by section 16
of the Finance Act (No. 4), 1940, and to the regulations thereunder, I, the under-
signed, do hereby elect that, in the event of my surviving [*Name in full and descrip-
tion of nominee*]*, I will, as from the date of her death, surrender the sum of
£ per annum, being portion of my retiring-allowance from the
Superannuation Fund, in consideration of the payment to her in the event of
her surviving me, of an annuity computed in accordance with the terms of your
advice dated the day of, 19 ..

Dated at, this day of, 19..

.....
[*Signature of Contributor.*]

* Here state whether nominated annuitant is the wife or husband, or approved dependant
of contributor.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 9th day of January, 1941.