INSTRUMENT NO 1 OF 1992

MILITARY SUPERANNUATION AND BENEFITS ACT 1991

INSTRUMENT UNDER SUBSECTION 5(1)

I, Robert Francis RAY, the Minister of State for Defence, hereby make the following Instrument under subsection 5(1) of the Military Superannuation and Benefits Act 1991.

Dated Fourteenth April 1992

Minister of State for Defence

MILITARY SUPERANNUATION AND BENEFITS TRUST DEED (AMENDMENT)

1. Interpretation

1.1 In this Instrument:

"rule" means a rule set out in the Schedule to the Trust Deed;

"Trust Deed" means the Trust Deed made, and in force, under section 4 of the Military Superannuation and Benefits Act 1991.

2. Amendment

2.1 The Rules in the Schedule to the Trust Deed are amended as set out in this Instrument.

3. Rule 2 (Definitions and interpretation)

3.1 Subrule (1)

Insert in the list of expressions in the appropriate alphabetical position, determined on a letter-by-letter basis:

"retirement on completion of limited tenure employment (see Part 3A)".
4. Rule 13 (Benefits on retirement for redundancy or retrenchment or on completion of a limited tenure appointment or on attaining retiring age of less than 55 years)

4.1 Subrule (1)
Insert "or on completion of a limited tenure appointment" after "retrenchment".


5.1 Subrule (1): Insert after paragraph (b):
"or (c) on completion of a limited tenure appointment;".

6. Schedule 1 (GLOSSARY)

6.1 Insert after Part 3:

PART 3A

RETIREMENT ON COMPLETION OF LIMITED TENURE APPOINTMENT

"4A. Subject to paragraph 4B, where:

(a) a member who is an officer of the Defence Force holds an appointment under section 9 or 9AA of the Defence Act 1903 (in this Part called "the relevant appointment"); and

(b) before the member was appointed to the relevant appointment he or she was notified in writing by the Minister that he or she would be expected to resign his or her naval, military or air force office immediately after ceasing to hold the relevant appointment; and

(c) the member resigns his or her office accordingly;

then, for the purposes of these Rules, the member is taken not to have resigned but to have retired on completion of a limited tenure appointment.

"4B. Paragraph 4A does not apply to an officer who, on or before the completion by him or her of the period of relevant appointment to which subparagraph 4A(b) applies is offered a further relevant appointment to which that subparagraph applies and declines that further appointment.

"4C. In subparagraph 4A(c), a reference to a member who resigns his or her office includes a reference to a member who ceases to render continuous full-time service on being transferred to the Reserve Forces.".