

12. Sections forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, are repealed and the following substituted therefor:

Amount of pension, how calculated.

"47. (1) Except as herein otherwise provided an annual pension granted under section forty-six shall be one-fiftieth of the average pay and allowances received by the contributor during the last six years of his service multiplied by the number of years of his service not exceeding, however, thirty-five years. 5 10

Refund of contributions made in respect of higher rate of pay and allowances than that on which pension or gratuity is computed.

(2) Where the average pay and allowances for the period fixed by this Part for the purpose of computing the pension of a contributor is less than the average pay and allowance for any like period during the contributor's service, the contributor or his widow or children under the age of eighteen years, as the case may be, are entitled to receive in addition to a pension under this Part a refund of the contributions made in respect of the excess of his pay and allowances during any like period over his pay and allowances for the period so fixed, and the Governor in Council on the recommendation of the Treasury Board may by regulation determine the basis of such refund in any case or class of cases, and where the contributor has died without receiving the refund, the person or persons amongst the surviving widow and children or children only, of the contributor to whom it shall be paid, and if to more than one of them, the manner in which it shall be apportioned. 15 20 25

Only contributory service to count.

"48. (1) All service of a contributor, whether or not the service has been continuous, in respect of which the contributor has at any time made contributions under this Part or under any other Part of this Act or under the *Civil Service Superannuation Act* or the *Royal Canadian Mounted Police Act*, other than Part IV thereof, which contributions have not previously been repaid to him by way of gratuity or otherwise, may, on his retirement or death, be counted for the purpose of computing any pension or gratuity under this Part but, except as provided by subsections two, three and four of this section, no other service may be counted. 30 35

R.S., c. 24.

R.S., c. 160.

Exception.

Service that may be counted under other Parts of this Act.

(2) Where a person who has elected to become a contributor under this Part has service in the forces which could be counted as service for the purpose of a pension under any other Part of this Act for which he was not required to make any contribution, the whole of the said service may be counted for the purpose of computing any pension or gratuity under this Part, but an amount equal to five per centum of the aggregate pay and allowances received by him during such service shall be deducted from the gratuity, if any, or shall be commuted, on such basis as may be prescribed by regulation, into an annuity in 40 45