STATUTORY INSTRUMENTS

1964 No. 1393

PENSIONS

The Federated Superannuation System for Universities (Pensions Increase) (No. 2) Regulations 1964

Made - - - -	*2nd September* 1964
Laid before Parliament	*4th September* 1964
Coming into Operation	*7th September* 1964

The Treasury, in exercise of the powers conferred upon them by section 5(3) of the Superannuation Act 1946(**a**), by that subsection as applied by section 3(1) of the Pensions (Increase) Act 1952(**b**) and section 8(1) of the Pensions (Increase) Act 1956(**c**), by section 3(3)(*a*) and (4) of the Pensions (Increase) Act 1959(**d**), by section 8(2) of the Pensions (Increase) Act 1962(**e**) (applying section 3(3)(*a*) and (4) of the Pensions (Increase) Act 1959 with modifications) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1.—(1) These Regulations shall apply to any person who—

(*a*) has been transferred with the consent of the head of his Department from employment in the civil service of the State to employment which is approved employment within the meaning of section 4 of the Superannuation Act 1914(**f**) and in which he is subject to an F.S.S.U. scheme; and

(*b*) either—

(i) was at the date of his transfer from the civil service of the State subject to an F.S.S.U. scheme, or

(ii) having been at some time during the period of his employment in the civil service of the State subject to an F.S.S.U. scheme, had before the said date ceased to be so subject and had become subject to the Superannuation Acts; and

(*c*) has not refunded the whole amount of the employer's contributions paid, during the period of his employment in the civil service of the State, in his case under the F.S.S.U. scheme; and

(*d*) has retired from the employment to which he was transferred as aforesaid or from a subsequent employment which is approved employment within the meaning of section 4 of the Superannuation Act 1914 and in which he is subject to an F.S.S.U. scheme in such circumstances that he has become eligible for a superannuation allowance, additional allowance or gratuity under section 4 of the Superannuation Act 1914 or would have become so eligible if he had been a person to whom that section applies; and

(*e*) has attained the age of sixty years or has retired from his employment on account of physical or mental infirmity.

(**a**) 9 & 10 Geo. 6. c. 60.
(**b**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.
(**c**) 4 & 5 Eliz. 2. c. 39.
(**d**) 7 & 8 Eliz. 2. c. 50.
(**e**) 11 & 12 Eliz. 2. c. 2.
(**f**) 4 & 5 Geo. 5. c. 86.

(2) A person to whom these Regulations apply is hereafter referred to as an "officer", and the employment from which he retires in such circumstances as are specified in sub-paragraph (*d*) of the foregoing paragraph is hereafter referred to as his "latest employment".

2.—(1) Subject to the modifications specified in this Regulation—

(*a*) the Regulations of 1947 shall apply to an officer who retires from his latest employment not earlier than 10th December 1956, and who was employed in the civil service of the State subject to an F.S.S.U. scheme during a period which began before 1st July 1944, as if he were a person to whom those Regulations apply;

(*b*) the Regulations of 1953 shall apply to an officer who retires from his latest employment not earlier than 10th December 1956, and who was employed in the civil service of the State and subject to an F.S.S.U. scheme during a period which began before 1st April 1948, as if he were a person to whom those Regulations apply;

(*c*) the Regulations of 1956 shall apply to an officer who was employed in the civil service of the State and subject to an F.S.S.U. scheme during a period which began before 1st April 1952, as if he were a person to whom those Regulations apply;

(*d*) Part I of the Regulations of 1959 shall apply to an officer who was employed in the civil service of the State and subject to an F.S.S.U. scheme during a period which began before 1st April 1957, as if he were a person to whom the said Part I applies; and

(*e*) Regulations 2 and 3 of the Regulations of 1963 shall apply to an officer who was employed in the civil service of the State and subject to an F.S.S.U. scheme during a period which began before 1st April 1961, as if he were a person to whom those Regulations apply.

(2) In their application to an officer to whom Regulation 1(1)(*b*)(ii) of these Regulations applies the Regulations of 1947, 1953 and 1956, Part I of the Regulations of 1959, and Regulations 2 and 3 of the Regulations of 1963 shall have effect as if for any reference therein to his notional annuity there were substituted a reference to his hypothetical annuity as defined in Regulation 5(1) of the Regulations of 1959, but so that references in the definitions of "hypothetical annuity" and "accumulated contributions" in the said paragraph 5(1) to the date of a person's retirement shall be construed as references to his retirement from his latest employment.

(3) For the purposes of the application to an officer of Regulation 4 of the Regulations of 1953, Regulation 4 of the Regulations of 1956 and Regulation 2 of the Regulations of 1959, his service shall be deemed to end on the last day of his period of F.S.S.U. service.

(4) For the purposes of the application to an officer of Regulation 2(1) of the Regulations of 1959 the reference therein to any allowances for which he is eligible under the Regulations of 1947, 1953 and 1956 shall be deemed to include a reference to any allowances for which he is eligible under any of those Regulations as applied to him by these Regulations and for the purposes of the application to an officer, to whom Regulation 1(1)(*b*)(ii) of these Regulations applies, of Regulations 2 and 3 of the Regulations of 1963 the reference in the definition of "adjusted rate" in Regulation 5(1) thereof to any allowances granted in respect of an annuity under the Regulations of 1947, 1953, 1956 and 1959 shall be deemed to include any allowances granted in respect of his hypothetical annuity under any of those Regulations as applied to him by these Regulations.

(5) These Regulations shall not have effect so as to authorise the payment of any allowance in respect of a period before 1st September 1964.

3.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"F.S.S.U. scheme" means a superannuation scheme operated under the Federated Superannuation System for Universities;

"period of F.S.S.U. service" has the meaning assigned to it by Regulation 5(1) of the Regulations of 1959;

"the Regulations of 1947" means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1947(**a**) as amended by the Regulations of 1953, 1956 and 1964;

"the Regulations of 1953" means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1953(**b**) as amended by the Regulations of 1956;

"the Regulations of 1956" means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1956(**c**);

"the Regulations of 1959" means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1959(**d**) as amended by the Regulations of 1964;

"the Regulations of 1963" means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1963(**e**);

"the Regulations of 1964" means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1964(**f**);

"the Superannuation Acts" means the Superannuation Acts 1834 to 1960.

(2) Any reference in these Regulations to the provisions of any Regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent Regulations.

(3) The Interpretation Act 1889(**g**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

4. These Regulations may be cited as the Federated Superannuation System for Universities (Pensions Increase) (No. 2) Regulations 1964 and shall come into operation on 7th September 1964.

John Peel,
Martin McLaren,
Two of the Lords Commissioners of
Her Majesty's Treasury.

2nd September 1964.

(**a**) S.R. & O. 1947/1531 (Rev. XVII, p. 628: 1947 I, p. 1564).
(**b**) S.I. 1953/121 (1953 II, p. 1527).
(**c**) S.I. 1956/1938 (1956 II, p. 1725).
(**d**) S.I. 1959/1609 (1959 II, p. 2004).
(**e**) S.I. 1963/757 (1963 I, p. 916).
(**f**) S.I. 1964/572 (1964 I, p. 1008).
(**g**) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide for increases under the Federated Superannuation System for Universities (Pensions Increase) Regulations of 1947, 1953, 1956, 1959 and 1963 (which extend the Pensions (Increase) Acts to retired Civil Servants pensioned under the Federated Superannuation System for Universities) to be paid to former Civil Servants who retire from approved employment in which they are subject to an F.S.S.U. scheme. Payments will only be made in respect of F.S.S.U. benefits earned during the period of Civil Service.

Regulation 2(5) limits the effect of this change to payments in respect of periods beginning on or after 1st September 1964.