STATUTORY INSTRUMENTS

1969 No. 1321

PENSIONS

The Federated Superannuation System for Universities (Pensions Increase) Regulations 1969

Made - - -	*17th September* 1969
Laid before Parliament	*26th September* 1969
Coming into Operation	*1st October* 1969

The Minister for the Civil Service, in exercise of the powers conferred on him by section 3(2)(*a*)(i) and (4) of the Pensions (Increase) Act 1965(**a**), as extended by section 1(4) of, and paragraph 10 of Schedule 2 to, the Pensions (Increase) Act 1969(**b**), and by article 2(1)(*c*) of the Minister for the Civil Service Order 1968(**c**), and of all other powers enabling him in that behalf, hereby makes the following Regulations :—

Citation and commencement

1. These Regulations may be cited as the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969, and shall come into operation on 1st October 1969.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"accumulated contributions" means, in relation to any person, the total sum which would have accumulated at the date of his retirement if, in respect of each year of the period of his F.S.S.U. service and any uncompleted part of a year at the end of such period, a sum equal to fifteen per cent. of the annual rate of the salary to which he was entitled at the beginning of such year (or in the case of any such uncompleted part of a year, fifteen per cent. of the proportionate part of such annual rate) had been accumulated with compound interest at three per cent. per annum calculated with yearly rests from the beginning of such year or uncompleted part of a year as aforesaid until the date of his retirement:

Provided that where a person's period of F.S.S.U. service includes a period of service in respect of which a transfer value has been paid, and any such service was, for the purpose of calculating the amount of the transfer value, taken into account at a fraction of its actual length, then in respect of the service so taken into account the percentage of the annual rate of his salary to be used in calculating his accumulated contributions shall, instead of fifteen per cent., be the appropriate fraction of fifteen per cent.;

(**a**) 1965 c. 78. (**b**) 1969 c. 7.
(**c**) S.I. 1968/1656 (1968 III, p. 4485).

"adjusted rate", in relation to a person's notional annuity or hypothetical annuity, means the aggregate of that annuity and the annual rate of any allowances for which he is eligible under the Regulations of 1947, 1953, 1956, 1959, 1963, 1964 and 1966, any fraction of a pound in that aggregate being treated as a whole pound;

"the authority" means, in relation to any person who was serving with a Revenue Department, that Department, and, in relation to any other person, Her Majesty's Paymaster General;

"civil servant" has the meaning assigned to it by section 98(2) of the Superannuation Act 1965(a);

"date of retirement" means, in relation to any person to whom Regulation 3 or 4 of these Regulations applies, the date of his retirement from the civil service of the State, and, in relation to any person to whom Regulation 5 of these Regulations applies, the date of his retirement from his latest employment which is approved employment within the meaning of section 40 of the Superannuation Act 1965;

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

"government annuity tables" means, in relation to any time before 1st August 1962, the tables in force at that time under section 53 of the Government Annuities Act 1929(b), and, in relation to any time on or after 1st August 1962, the tables in force under the said section 53 at the commencement of the Finance Act 1962(c) as varied by any Order of the Treasury in force at that time under section 33(4) of the Finance Act 1962;

"hypothetical annuity" means, in relation to any person, the annuity calculated in accordance with the government annuity tables applicable at the date of his retirement which a sum equal to his accumulated contributions would purchase for him at that date;

"notional annuity" means, in the case of a person whose superannuation benefit is provided by means of an insurance policy, the annuity calculated in accordance with the guaranteed rates of the insurance company with whom the policy is taken out which would have been payable to him if he had elected to take the total benefits payable under the policy at the date of his retirement in the form of an annuity, and, in the case of a person whose superannuation benefit is provided not by means of an insurance policy but by means of the investment and accumulation of contributions, the annuity calculated in accordance with the government annuity tables applicable at the date of his retirement which would have been payable to him if he had elected to take the total sum which would have been payable to him on his retirement in the form of an annuity:

Provided that the annuity to be calculated as aforesaid shall be calculated only in respect of the person's period of F.S.S.U. service (which for this purpose shall include service with the National Physical Laboratory prior to its being taken over by the Department of Scientific and Industrial Research);

(a) 1965 c. 74.
(b) 1929 c. 29.
(c) 1962 c. 44.

"period of F.S.S.U. service" means, in relation to any person, the period in respect of which, while he was employed in relevant employment, contributions were paid in his case under an F.S.S.U. scheme, but does not include any period in respect of which the employer's contributions paid in his case have been refunded by him, and for this purpose any contributions refunded by him shall be taken to be those employer's contributions which were last paid in his case before he ceased to be subject to an F.S.S.U. scheme; and the said expression includes, in relation to a person in respect of whom the following conditions are fulfilled:—

(*a*) that he has been employed in employment in which his service would, if he had continued to serve in that employment, have rendered him eligible for a pension specified in Schedule 1 to the Pensions (Increase) Act 1969; and

(*b*) that a transfer value paid in respect of his service in that employment on his leaving that employment and entering other employment has been invested for his benefit under the Federated Superannuation System for Universities in the purchase of a policy of insurance on his life,

the period of service in respect of which that transfer value was paid;

"the Regulations of 1947" means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1947(**a**);

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

"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**);

"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) (No. 2) Regulations 1964(**f**);

"the Regulations of 1966" means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1966(**g**);

"relevant employment" means any of the following kinds of employment:—

(*a*) employment in the civil service of the State;

(*b*) employment by a university or university college in Great Britain or by a college of the University of Oxford or Cambridge;

(*c*) employment by any of the bodies specified in Schedule 1 to these Regulations;

"the Superannuation Acts" means the Superannuation Acts 1965 and 1967(**h**) and any Act amending those Acts, or, in relation to any time before 8th December 1965, the Acts repealed by the Superannuation Act 1965.

(**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. 1964/1393 (1964 III, p. 3195).
(**g**) S.I. 1966/151 (1966 I, p. 273).
(**h**) 1965 c. 74; 1967 c. 28.

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

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

1969 pensions increase for certain retired civil servants who have been subject to F.S.S.U.

3.—(1) This Regulation shall apply to any person who—

(*a*) either—

(i) retires from the civil service of the State after attaining the age of sixty years, or

(ii) having retired from the civil service of the State not earlier than 14th July 1949 after attaining the age of fifty years, attains the age of sixty years without having again become employed in relevant employment, or

(iii) retires from the civil service of the State on account of physical or mental infirmity ; and

(*b*) was employed in relevant employment and subject to an F.S.S.U. scheme during a period which began before 1st July 1967 ; and

(*c*) either—

(i) is at the date of his retirement subject to an F.S.S.U. scheme ; or

(ii) has before such date ceased to be so subject and has become subject to the Superannuation Acts by reason of his transferring from one appointment to another in the civil service of the State.

(2) The authority may, in respect of any period beginning on or after 1st April 1969, pay to any person to whom this Regulation applies an allowance at the annual rate of eighteen per cent. of the adjusted rate of his notional annuity :

Provided that, where the period of that person's F.S.S.U. service ends after 30th June 1955, the amount of the allowance which may be paid to him under this Regulation shall be reduced by a sum equal to one thirty-sixth of such amount for every year and any uncompleted part of a year by which the 30th June 1955 precedes the last day of the period of his F.S.S.U. service.

1969 pensions increase for certain other retired civil servants who have been subject to F.S.S.U. for part of their service

4.—(1) This Regulation shall apply to any person who—

(*a*) either—

(i) retires from the civil service of the State after attaining the age of sixty years, or

(a) 1889 c. 63.

(ii) having retired from the civil service of the State not earlier than 14th July 1949 after attaining the age of fifty years, attains the age of sixty years without having again become employed in relevant employment, or

(iii) retires from the civil service of the State on account of physical or mental infirmity; and

(*b*) having been employed in relevant employment and subject to an F.S.S.U. scheme during a period which began before 1st July 1967, has before the date of his retirement ceased to be so subject and has become subject to the Superannuation Acts otherwise than by reason of his transferring from one appointment to another in the civil service of the State; and

(*c*) was, at some time after becoming subject to the Superannuation Acts, a civil servant; and

(*d*) has not refunded the whole amount of the employer's contributions paid, during the period of his employment in relevant employment, in his case under an F.S.S.U. scheme.

(2) The authority may, in respect of any period beginning on or after 1st April 1969, pay to any person to whom this Regulation applies an allowance at the annual rate of eighteen per cent. of the adjusted rate of his hypothetical annuity:

Provided that, where the period of that person's F.S.S.U. service ends after 30th June 1955, the amount of the allowance which may be paid to him under this Regulation shall be reduced by a sum equal to one thirty-sixth of such amount for every year and any uncompleted part of a year by which the 30th June 1955 precedes the last day of the period of his F.S.S.U. service.

1969 *pensions increase for certain former civil servants who have transferred to and retired from approved employment and have been subject to F.S.S.U.*

5.—(1) This Regulation shall apply to any person who—

(*a*) was employed in relevant employment and subject to an F.S.S.U. scheme during a period which began before 1st July 1967; and

(*b*) has been transferred with the consent of the head officer of his department from employment in the civil service of the State to employment which is approved employment within the meaning of section 40 of the Superannuation Act 1965 and in which he is subject to an F.S.S.U. scheme (not being employment which is relevant employment); and

(*c*) 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) had before such date ceased to be so subject and had become subject to the Superannuation Acts; and

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

(*e*) 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 40 of the Superannuation Act 1965 and in which he is subject to an F.S.S.U. scheme (not being employment which is relevant employment) in such circumstances that he has become eligible for a superannuation allowance, additional allowance or gratuity under the said section 40 or would have become so eligible if he had been a person to whom that section applied ; and

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

(2) The authority may, in respect of any period beginning on or after 1st April 1969, pay to any person to whom this Regulation applies an allowance at the annual rate of eighteen per cent. of the adjusted rate of his notional annuity, or, where he had become subject to the Superannuation Acts before his transfer from the civil service of the State, of his hypothetical annuity:

Provided that, where the period of that person's F.S.S.U. service ends after 30th June 1955, the amount of the allowance which may be paid to him under this Regulation shall be reduced by a sum equal to one thirty-sixth of such amount for every year and any uncompleted part of a year by which the 30th June 1955 precedes the last day of the period of his F.S.S.U. service.

Amendments of existing Regulations to enable service in relevant employment to be taken into account in calculating increases

6.—(1) The provisions of the Regulations of 1947, 1953, 1956, 1959, 1963 1964 and 1966 specified in column 1 of Schedule 2 to these Regulations shall have effect subject to the amendments respectively specified in relation thereto in column 2 of that Schedule.

(2) Any allowance, or any increase of an allowance, payable by virtue of this Regulation may take effect from 1st April 1969.

Regulations of 1964 *and Regulation* 3 *of the Regulations of* 1966 *to cease to apply to persons retiring from relevant employment*

7. The Regulations of 1964 and Regulation 3 of the Regulations of 1966 (which provide for the payment of allowances to persons who have transferred from the civil service of the State to, and have retired from, approved employment) shall cease to apply to a person who retires or has retired from employment which is relevant employment, and accordingly—

(*a*) the Regulations of 1964 shall have effect as if in sub-paragraphs (*a*) and (*d*) of paragraph (1) of Regulation 1 thereof there were inserted after the words "F.S.S.U. scheme" the words "(not being employment which is relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969)" ;

(*b*) Regulation 3 of the Regulations of 1966 shall have effect as if in sub-paragraphs (*b*) and (*e*) of paragraph (1) thereof there were inserted after the words "F.S.S.U. scheme" the words "(not being employment which is relevant employment as defined in the Federated Superannuation System for Universities (Pension Increase) Regulations 1969)".

Given under the official seal of the Minister for the Civil Service on 17th September 1969.

(L.S.)

J. E. Herbecq,
Authorised by the Minister for the Civil Service.

SCHEDULES

Regulation 2(1) SCHEDULE 1

The bodies referred to in the definition of "relevant employment"

Agricultural Research Council.
Animal Diseases Research Association.
The Animal Virus Research Institute.
The British Society for the Promotion of Vegetable Research.
The British Society for Research in Agricultural Engineering.
The Edinburgh and East of Scotland College of Agriculture.
The Fish Helminthology Unit.
The Fisheries Biochemical Research Unit.
The Freshwater Marine Biological Association.
The Glasshouse Crops Research Institute.
The Grassland Research Institute.
The Hannah Dairy Research Institute.
The Harper Adams Agricultural College.
The Hill Farming Research Organisation.
The Houghton Poultry Research Station.
The Imperial Cancer Research Fund.
The Institute of Seaweed Research.
The John Innes Institute.
Kent Incorporated Society for Promoting Experiments in Horticulture.
Lawes Agricultural Trust, Rothamsted Experimental Station.
Long Ashton Research Station.
The Macaulay Institute for Soil Research.
The Marine Biological Association of the United Kingdom.
Medical Research Council.
The National Institute of Agricultural Botany.
The National Institute for Research in Dairying.
The Natural Environment Research Council.
The North of Scotland College of Agriculture.
Plant Breeding Institute.
The Rowett Research Institute.
The Royal Agricultural College.
Science Research Council.
The Scottish Horticultural Research Institute,
The Scottish Marine Biological Association.
Scottish Society for Research in Plant Breeding.
The Seale-Hayne Agricultural College.
Social Science Research Council.
Welsh Plant Breeding Station.
The West of Scotland Agricultural College.

Regulation 6(1)

SCHEDULE 2

Amendments of the Regulations of 1947, 1953, 1956, 1959, 1963, 1964 and 1966

Provision amended	*Amendment*
The Regulations of 1947— Regulation 2.	In paragraph (1), for sub-paragraph (*b*), there shall be substituted the following sub-paragraph:— "(*b*) the expression "notional annuity" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;".
Regulation 3 (as substituted by Regulation 8 of the Regulations of 1953).	In paragraph (*a*), in sub-paragraph (ii), after the words "sixty years", there shall be inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969"; and in paragraph (*b*), for the words "the civil service of the State", there shall be substituted the words "relevant employment so defined as aforesaid".
The Regulations of 1953— Regulation 2.	In paragraph (1), for the definition of "notional annuity", there shall be substituted the following definition:— " "notional annuity" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;".
Regulation 3.	In paragraph (*a*), in sub-paragraph (ii), after the words "sixty years", there shall be inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969"; and in paragraph (*b*), for the words "the civil service of the State", there shall be substituted the words "relevant employment so defined as aforesaid".
The Regulations of 1956— Regulation 2.	In paragraph (1), for the definition of "notional annuity", there shall be substituted the following definition:— " "notional annuity" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;".
Regulation 3.	In paragraph (*a*), in sub-paragraph (ii), after the words "sixty years", there shall be inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969"; and in paragraph (*b*), for the words "the civil service of the State", there shall shall be substituted the words "relevant employment so defined as aforesaid".

Provision amended	*Amendment*
The Regulations of 1959—	
Regulation 1.	In paragraph (*a*), in sub-paragraph (ii), after the words "sixty years", there shall be inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969", and in paragraph (*b*), for the words "the civil service of the State", there shall be substituted the words "relevant employment so defined as aforesaid".
Regulation 3.	In paragraph (1), in sub-paragraph (*a*)(ii), after the words "sixty years", there shall be inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969"; and in sub-paragraph (*b*), for the words "the civil service of the State", there shall be substituted the words "relevant employment so defined as aforesaid".
Regulation 4.	In paragraph (1), for the words "the civil service of the State", in sub-paragraph (*a*), where they secondly occur, in sub-paragraph (*b*), where they secondly occur, and in sub-paragraphs (*c*) and (*d*), there shall be substituted the words "relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969".
Regulation 5.	In paragraph (1), for the definition of "accumulated contributions", there shall be substituted the following definition:— " "accumulated contributions" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;"; for the definition of "notional annuity", there shall be substituted the following definition:— " "notional annuity" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;"; and for the definition of "period of F.S.S.U. service", there shall be substituted the following definition:— " "period of F.S.S.U. service" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;".
The Regulations of 1963—	
Regulation 1	In paragraph (1), in sub-paragraph (*a*)(ii), after the words "sixty years", there shall be inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969"; and in sub-paragraph (*b*), for the words "the civil service of the State", there shall be substituted the words "relevant employment so defined as aforesaid".

Provision amended	*Amendment*
Regulation 4.	For the words "the civil service of the State", there shall be substituted the words "relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969".
Regulation 5.	In paragraph (1), the words "accumulated contributions" and "period of F.S.S.U. service" shall be deleted; for the words "and "notional annuity" have the meanings respectively assigned to them", there shall be substituted the words "has the meaning assigned to it"; and the following words shall be added at the end of the paragraph:— " "accumulated contributions", "notional annuity" and "period of F.S.S.U. service" have the same respective meanings as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969."
The Regulations of 1964—	
Regulation 1.	In paragraph (1), in sub-paragraph (*c*), for the words "the civil service of the State", there shall be substituted the words "relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969".
Regulation 2.	In paragraph (1), for the words "the civil service of the State", wherever they occur, there shall be substituted the words "relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969".
Regulation 3.	In paragraph (1), for the definition of "period of F.S.S.U. service", there shall be substituted the following definition:— " "period of F.S.S.U. service" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;".
The Regulations of 1966—	
Regulation 1.	In paragraph (1), in sub-paragraph (*a*)(ii), after the words "sixty years", there shall be inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969"; and in sub-paragraph (*b*), for the words "the civil service of the State", there shall be substituted the words "relevant employment so defined as aforesaid".
Regulation 2.	In paragraph (1), in sub-paragraph (*a*)(ii), after the words "sixty years", there shall be inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969"; and in sub-paragraphs (*b*) and (*d*), for the words "the civil service of the State", there shall be substituted the words "relevant employment so defined as aforesaid".

Provision amended	*Amendment*
Regulation 3.	In paragraph (1), in sub-paragraphs (*a*) and (*d*), for the words "the civil service of the State", there shall be substituted the words "relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969".
Regulation 4.	In paragraph (1), for the definition of "accumulated contributions", there shall be substituted the following definition:— " "accumulated contributions" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;"; for the definition of "notional annuity", there shall be substituted the following definition:— " "notional annuity" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;"; and for the definition of "period of F.S.S.U. service", there shall be substituted the following definition:— " "period of F.S.S.U. service" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations 1969;".

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for pensions increases to be paid to persons who have served in the civil service and have been subject to the Federated Superannuation System for Universities.

The Regulations provide increases for persons who have retired from the civil service, and also for certain persons who have retired from approved employment under F.S.S.U. after having been employed in the civil service. The amount of the increases and the conditions of eligibility correspond to those provided for in the Pensions (Increase) Act 1969, although certain modifications are made to enable the increases to be applied to benefits based on an insurance scheme.

The Regulations also amend the existing Regulations which provide for pensions increases for persons who have been subject to F.S.S.U. during their employment in the civil service. The amendments are designed to give effect to new arrangements for paying increases to persons who have been subject to F.S.S.U. and have been transferred from one employment to another (e.g. from a university to the civil service, or vice versa). Under existing arrangements each employer pays an increase in respect of that part of the employee's service which was served with him. Under the new arrangements the employee's last employer will pay the increase in respect of the whole of the employee's service.

The principal changes, which apply not only to increases under the existing Regulations, but also to the new increases provided for in these Regulations, are:—

(1) Where the employee retires from the civil service, the pensions authority may pay a pensions increase in respect of any previous F.S.S.U. service with a university or with any of the bodies listed in Schedule 1, as well as in respect of his F.S.S.U. service in the civil service.

(2) The pensions authority may pay an increase in respect of previous F.S.S.U. service with a university or one of the bodies listed in Schedule 1, even though the employee has not been subject to F.S.S.U. during his service in the civil service.

(3) Persons who have transferred from F.S.S.U. service in the civil service to a university or one of the bodies listed in Schedule 1 will not be eligible for an increase under the Regulations (because in their case the increase will be payable by their last employer).

(4) Service in certain previous employment in respect of which a transfer value has been invested in an F.S.S.U. policy may be taken into account in calculating the amount of an increase.

Under the power in section 3(4) of the Pensions (Increase) Act 1965 the Regulations provide for any benefit or increase of a benefit payable by virtue of the Regulations to take effect from 1st April 1969.