(2) WAR SERVICE

The Federated Superannuation System for Universities (War Service) Regulations, 1949

1949 No. 1891

Made - - - -	10*th October*, 1949
Laid before Parliament	11*th October*, 1949
Coming into Operation	12*th October*, 1949

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by sub-section (3) of Section 5 of the Superannuation Act, 1946(a) (hereinafter called " the Act ") and of all other powers enabling Them in that behalf, hereby make the following Regulations:

1. These Regulations may be cited as the Federated Superannuation System for Universities (War Service) Regulations, 1949.

2.—(1) In these Regulations:

(*a*) " officer " means a person employed in the Civil Service of the State on or after 26th July, 1946, who is subject to a superannuation scheme operated under the Federated Superannuation System for Universities;

(*b*) " war period " means the period beginning with the 3rd day of September, 1939, and ending with such date as the Treasury may, for the purposes of Section I of the Act, appoint;

(*c*) " war service " means whole time service during the war period in the armed forces of the Crown, in the Merchant Navy or in the Mercantile Marine, or in any of the Women's Services specified in the First Schedule to the Act;

(*d*) " non-effective pay " includes naval, military or Air Force pensions, retired pay and gratuities (other than war gratuities, to which Section 23 of the Finance (No. 2) Act, 1945(b), which exempts war gratuities from income tax, applies);

(*e*) " excess remuneration " means in relation to a retired officer of the armed forces of the Crown who is re-employed in those forces, any service pension drawn in respect of such period of re-employment, or in addition to the normal pay attaching to the post in which the officer is re-employed which is granted by reason of the officer's former employment in those forces;

(*f*) " Department " means the Minister or other person in charge of the Department in which an officer is employed;

(*g*) " notional salary " means in the case of any officer to whom these Regulations apply the salary which the Treasury shall determine to be the amount of the salary and emoluments which the officer might have received if during the period of his war service he had been employed in the Civil Service of the State in the class in which he was in fact appointed after such war service.

(a) 9 & 10 Geo. 6 c. 60. (b) 9 & 10 Geo. 6 c. 13.

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

3. These Regulations apply to any officer employed in the Civil Service of the State otherwise than in a temporary capacity or for a specified period of time who entered the Civil Service of the State during the war period after war service.

4.—(1) Subject to the provisions of these Regulations a Department may, in the case of any officer to whom these Regulations apply, make a payment (hereinafter referred to as "the war service contribution") for the benefit of such officer in manner hereinafter provided.

(2) The war service contribution shall, subject to the provision of Regulation 5 hereof, be the aggregate of—

(*a*) a sum (in this Regulation referred to as "the capital sum") determined by the Treasury to be equivalent to 5 per cent. of the aggregate of the notional salary of the officer for the period of his war service beginning after he had attained the age at which, in the opinion of the Treasury, he might but for war circumstances have been appointed to the Civil Service of the State in the class in which he was in fact appointed, and

(*b*) a sum equivalent to compound interest on the capital sum at the rate of 3 per cent. per annum, with annual stops, from the date which fell half way between the commencement and the termination of the period mentioned in sub-paragraph (*a*) of this paragraph until the date when the special contribution is applied in manner provided by the next succeeding paragraph of this Regulation.

(3) The war service contribution shall (together with any sum not exceeding one half thereof which the officer may elect to pay to the Department for that purpose) be applied by the Department in such manner as may be provided in the superannuation scheme operated under the Federated Superanuation System for Universities to which the officer is subject for the application of contributions paid under that scheme, or in such other manner as the Treasury may prescribe.

5.—(1) Where the officer has received non-effective pay or excess remuneration in respect of any part of his war service then that part of his war service shall be excluded for the purpose of determining the amount of the war service contribution unless that officer

(*a*) makes an application to the Treasury in the prescribed form within six months of the date when he was first employed in the Civil Service of the State as mentioned in Regulation 3 hereof or of the date of the coming into force of these Regulations (whichever is the later) or within such further time as the Treasury, having regard to the circumstances of the case, may allow, and

(*b*) states in his application that he has refunded, or is willing to refund, any non-effective pay or excess remuneration in respect of any part of his war service which he desires to be taken into account for the purpose of Regulation 4 (2) hereof and that he surrenders his right to any further payment of such non-effective pay or excess remuneration, and

(a) 52 & 53 Vict. c. 63.

(*c*) authorises any consequent adjustment in the payment of non-effective pay or excess remuneration as from the date when it first became due.

(2) Where repayment of any sum falls to be made by instalments, the application shall not be effective until the Treasury is satisfied that repayment is complete. If repayment is not complete within two years of the date of the application, then the Treasury may declare the application to be void.

6. The decision of the Treasury on any question which arises as to the application of these Regulations to any person or as to the amount of any payment authorised by these Regulations, or as to the reckoning of war service for the purpose of such payment, shall be final.

7. These Regulations shall come into force on the 12th day of October, 1949.

Dated this 10th day of October, 1949.

R. J. Taylor,
Richard Adams,
Two of the Lords Commissioners
of His Majesty's Treasury.

EXPLANATORY NOTE

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

These Regulations are designed to enable persons appointed to posts superannuable under the Federated Superannuation Scheme for Universities to count war service for superannuation purposes so far as possible on the same basis as does a person established under the Superannuation Acts.

To achieve this a contribution (called the war service contribution) is to be paid. This is a contribution of 5 per cent. (half the normal employer's contribution under F.S.S.U.) of the salary and emoluments which the person might have received had his war service been temporary service in the post to which he was appointed after the war service. War service can be reckoned only from the age at which the person might, but for the war, have been appointed to the grade in which he was first appointed after his war service. Interest at 3 per cent. is payable on the war service contribution from the mid-point of the reckonable war service to the date on which the contribution is paid. The employee may, at his option, contribute an additional amount up to one-half the amount payable by the Department. The total contribution as so calculated will then be invested, as a lump sum, in a single premium policy under the F.S.S.U. for the employee's benefit.