Secondly, there are provisions for preserving the accrued rights of certain of these former employees in any pension scheme associated with their former employment. The persons principally affected are those who become established civil servants before the 5th July, 1949. In their case, if their Civil Service pension is less than the pension which they would have received had they continued in their former appointments, the difference will be defrayed from the Exchequer. Former employees who do not become established civil servants, but have accrued rights in such a pension scheme and have lost their employment as the result of the National Insurance Act, 1946, will also receive payments out of the Exchequer in respect of their accrued rights.

Thirdly, there are provisions regarding the transfer to the State of the assets of the pension schemes under which Exchequer payments in respect of accrued rights are to be made. Where the membership of a scheme is confined to the staffs of the Approved Societies and the other bodies referred to above, the whole of its assets are transferred. Where the membership is wider, the transfer will be partial and will be limited to a proper proportion in respect of the persons towards whom liability will fall on the Exchequer, either for Civil Service pensions or in respect of accrued rights. All the assets transferred vest in the Minister (except that securities are transferred to the National Debt Commissioners). A Fund is established to receive these assets, called " the National Insurance (Existing Pensioners) Fund ", under the control and management of the Minister. Out of this Fund there will be met such liabilities to existing pensioners under the wholly transferred schemes as do not fall on the Exchequer under these Rules. Assets surplus to the requirements of this Fund will pass to the Exchequer.

The National Insurance (Modification of the Superannuation Acts) Regulations, 1948

1948 No. 498

Made - - - -	*9th March*, 1948
Laid before Parliament	*12th March*, 1948
Coming into Operation	*31st March*, 1948

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by subsection (4) of section 69 of the National Insurance Act, 1946(a), and of all other powers enabling Them in that behalf, hereby make the following Regulations:—

1. These Regulations may be cited as the National Insurance (Modification of the Superannuation Acts) Regulations, 1948.

2.—(1) For the purposes of these Regulations—

(*a*) the expression " civil servant " means a person who has served in an established capacity in the permanent civil service of the State within the meaning of section 17 of the Superannuation Act, 1859(b);

(a) 9 & 10 Geo. 6. c. 67. (b) 22 Vict. c. 26.

(*b*) the expression "superannuation allowance" includes any annual superannuation, compensation or retiring allowance payable to a civil servant under the Superannuation Acts, 1834 to 1946, but does not include any annual allowance granted in the case of death or injury arising from service in accordance with the terms of a Treasury warrant;

(*c*) a person shall be deemed to be over any age therein mentioned if he has attained that age.

(2) References in these Regulations to the provisions of any enactment shall be construed, except where the context otherwise requires, as references to those provisions as amended or re-enacted by any subsequent enactment.

(3) 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 shall not apply to civil servants who

(*a*) became civil servants or under the provisions of section 3 of the Superannuation Act, 1887(b), or paragraph (*c*) of subsection (2) of section 3 of the Superannuation Act, 1935(c), are treated as having become civil servants before the 1st day of March, 1948, or

(*b*) either in pursuance of the provisions of paragraph (*a*) of subsection (3) of section 71 of the National Insurance Act, 1946, are deemed to attain pensionable age on the expiration of ten years from the appointed day for the purposes of those provisions, or under any regulations made under that Act are deemed to attain pensionable age at any later age than 65 in the case of a man or 60 in the case of a woman, or

(*c*) became civil servants through recruitment by a competition determined by the Treasury to be a Reconstruction Competition, or to be a competition through which any successful candidate became a civil servant before the 1st day of March, 1948, or

(*d*) between the 1st day of March, 1948, and the time when they became civil servants are continuously employed in the civil service of the State in an unestablished capacity or who, if they are not so continuously employed, are nevertheless to be entitled under the provisions of section 3 of the Superannuation Act, 1935, to have their service in such a capacity during any period before the 1st day of March, 1948, reckoned under subsection (1) of that section, or

(*e*) become civil servants before the 31st December, 1948, and who before they became civil servants were serving in India or Burma under covenant, agreement or contract with the Secretary of State for India and for Burma.

4.—(1) Where a person who, having had service

(*a*) in another public office as defined by the Superannuation Act, 1892(d), or

(*b*) as a pensionable officer or servant of a local authority, or in any other employment by virtue of which he was entitled to participate in the benefits of a superannuation fund maintained under Part I of the Local Government Superannuation Act, 1937(e), or under Part I of the Local Government Superannuation (Scotland) Act, 1937(f), or under a local Act scheme, or

(*c*) which is recognised service or contributory service for the purposes of the Teachers Superannuation Acts, 1918 to 1945, or is service which

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(a) 52 & 53 Vict. c. 63.
(b) 50 & 51 Vict. c. 67.
(c) 25 & 26 Geo. 5. c. 23.
(d) 55 & 56 Vict. c. 40.
(e) 1 Edw. 8 & 1 Geo. 6. c. 68.
(f) 1 Edw. 8 & 1 Geo. 6. c. 69.

is recorded as pensionable under the scheme framed and approved under the Education (Scotland) Act, 1946(a), or

(*d*) as a member of a police force within the meaning of the Police Pensions Act, 1921(b), other than a member of the first class of the police reserve, or

(*e*) as a professional fireman within the meaning of the Fire Brigade Pensions Act, 1925(c), whether or not the provisions of that Act have effect in relation to him, or

(*f*) in respect of which superannuation benefits are provided under regulations made under subsection (1) of section 67 of the National Health Service Act, 1946(d), or under subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947(e), or

(*g*) in such other pensionable employment as may be prescribed by the Treasury,

becomes a civil servant on or after the 1st day of March, 1948, and no provision was made for modifying, in connection with the passing of the National Insurance Act, 1946, any scheme for the provision of pensions or other benefits in respect of such prior service, or, if such provision was made, it did not apply to that person, the Treasury may direct that these Regulations shall not apply to that person.

(2) Where a person who, having had service as an employee of an approved society or of some other body (including a body of which the society is a branch or section) administering the affairs of an approved society or of a body charged with the administration of a special scheme under section 73 of the Unemployment Insurance Act, 1935(f), becomes a civil servant on or after the 1st day of March, 1948, the Treasury may direct that these Regulations shall not apply to that person.

5. Any superannuation allowance payable to any civil servant (other than a person to whom these Regulations do not apply by virtue of Regulations 3 and 4 hereof) shall, in respect of any period during which the civil servant is, in the case of a man, over the age of 65 or is, in the case of a woman, over the age of 60, be reduced by the sum of £1 14s. 0d. per annum in respect of each year of service which in the computation of the superannuation allowance has been reckoned, for the purposes of the Superannuation Acts, 1834 to 1946, as service in the capacity of a civil servant;

Provided that no superannuation allowance shall be reduced by more than the sum of £67 15s. 0d. per annum.

6. Notwithstanding the provisions of Regulation 5 of these Regulations, a superannuation allowance shall not be reduced in respect of any period of service served outside the United Kingdom unless during that period the civil servant was required to make or to continue to make contributions under the National Insurance Act, 1946, the National Insurance (Northern Ireland) Act, 1946, or under any scheme for purposes similar to the purposes of the National Insurance Act, 1946, which is the subject of a reciprocal agreement under section 64 of that Act.

7. In subsection (1) of section 2 of the Superannuation Act, 1935, the reference to any annual superannuation, compensation or retiring allowance

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(a) 9 & 10 Geo. 6. c. 72.
(b) 11 & 12 Geo. 5. c. 31.
(c) 15 & 16 Geo. 5. c. 47.
(d) 9 & 10 Geo. 6. c. 81.
(e) 10 & 11 Geo. 6. c. 27.
(f) 25 & 26 Geo. 5. c. 8.

shall be deemed to be a reference to such allowance before any reduction is made in accordance with the provisions of Regulation 5 of these Regulations.

8. These Regulations shall come into force on the 31st day of March, 1948.

Dated this 9th day of March, 1948.

C. James Simmons,
Joseph Henderson,
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 modify the Superannuation Acts by providing, subject to specified conditions and limitations, for the reduction of superannuation allowances payable to established civil servants (other than those exempted under Regulations 3 and 4) by specified amounts according to length of service, after the pensioner has reached the age of 65 (60 for a woman), i.e. " pensionable age " as defined in section 78 (1) of the National Insurance Act, 1946. The maximum reduction in any superannuation allowance is £67 15s. od. per annum.

(3) PUBLIC OFFICES

The Superannuation (Public Offices) (Number 2) Rules, 1948

1948 No. 2571

Draft laid before Parliament	*14th September,* 1948
Made - - - - -	*24th November,* 1948
Coming into Operation -	*25th November,* 1948

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by subsection (1) of Section 7 of the Superannuation Act, 1909(**a**), and all other powers enabling Them in that behalf, hereby make the following Rules:—

1.—(1) In these Rules—

(*a*) The Superannuation (Public Offices) Rules, 1911, means the Rules dated 31st July, 1911(**b**), made by the Treasury under Section 7 (1) of the Superannuation Act, 1909, adapting the provisions of the Superannuation Act, 1892(**c**), to those of the Superannuation Act, 1909, and

(*b*) The expression " public office " means a public office as defined by the Superannuation Act, 1892.

(2) The Superannuation (Public Offices) Rules, 1948(**d**), are hereby revoked.

(**a**) 9 Edw. 7. c. 10.
(**b**) S.R. & O. 1911 (No. 707) p. 285.
(**c**) 55 & 56 Vict. c. 40.
(**d**) S.I. 1948 No. 997.