STATUTORY INSTRUMENTS

1961 No. 1358

NATIONAL INSURANCE

The National Insurance (Modification of the Superannuation Acts) Regulations, 1961

Made - - - -	18*th July*, 1961
Laid before Parliament	21*st July*, 1961
Coming into Operation	22*nd July*, 1961

The Lords Commissioners of Her Majesty's Treasury, having determined under subsection (4) of section 69 of the National Insurance Act, 1946(a), that they are the appropriate Government department in relation to the scheme for the provision of pensions established by the Superannuation Acts, 1834 to 1960, and in exercise of the powers conferred upon them by the said subsection as extended by section 15 of the National Insurance Act, 1959(b), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1.—(1) Where—

(*a*) a person has become employed in the civil service of the State after having been employed in another employment (hereafter in this Regulation referred to as "his former employment"); and

(*b*) by virtue of the provisions of any rules under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948(c), or section 2 of the Superannuation Act, 1957(d), or of any regulations under subsection (1) of section 67 of the National Health Service Act, 1946(e), or subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947(f), or by virtue of any other provision in any enactment, rules or regulations, his service in his former employment is to be reckoned in any manner and to any extent as service to the State for the purposes of the Superannuation Acts; and

(*c*) he ceases to be employed in the civil service of the State in such circumstances that a superannuation allowance is granted to him under the Superannuation Acts;

his superannuation allowance shall, in respect of any period after he has attained pensionable age, be reduced by the amount, if any, by which his pension under the pension scheme to which he was subject immediately before he ceased to be employed in his former employment would have been reduced if—

(i) having continued in his former employment and having retired from it on the day on which he ceased to be employed in the civil service of the State, he had become eligible under the said pension scheme for a pension of an amount equal to the superannuation allowance for which he is eligible under the Superannuation Acts apart from any provision for reducing such allowance in connection with the passing and operation of the National Insurance Acts, 1946 to 1959; and

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 47. (c) 11 & 12 Geo. 6. c. 33.
(d) 5 & 6 Eliz. 2. c. 37. (e) 9 & 10 Geo. 6. c. 81. (f) 10 & 11 Geo. 6. c. 27.

(ii) any modification provision which was, immediately before the date on which he ceased to be employed in his former employment, in operation in relation to the said pension scheme had been applied in his case by reference to his period of service before that date.

(2) Any amount by which a person's superannuation allowance is to be reduced in accordance with the provisions of this Regulation shall be in addition to, and not in substitution for, any amount by which his superannuation allowance is to be reduced in accordance with the provisions of Regulation 4 of the National Insurance (Modification of the Superannuation Acts) Regulations, 1960(a).

2.—(1) In these Regulations, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"modification provision" means, in relation to any pension scheme, any provision the effect of which is that pensions under that scheme are to be reduced in connection with the operation of the provisions of the National Insurance Act, 1959, the National Insurance Act (Northern Ireland), 1959(b), or the National Insurance (Isle of Man) Act, 1961, relating to the payment of graduated retirement benefit;

"pensionable age" has the meaning assigned to it by subsection (1) of section 78 of the National Insurance Act, 1946;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1960;

"superannuation allowance" includes any annual superannuation, compensation or retiring allowance under the Superannuation Acts, but does not include any annual allowance granted in the case of injury arising from service in accordance with a Treasury warrant made under section 41 of the Superannuation Act, 1949(c).

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

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

3. These Regulations may be cited as the National Insurance (Modification of the Superannuation Acts) Regulations, 1961, and shall come into operation on the 22nd day of July, nineteen hundred and sixty-one.

Dated this 18th day of July, nineteen hundred and sixty-one.

John Hill,
W. S. I. Whitelaw,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) S.I. 1960/1270 (1960 II, p. 2297).
(b) 1959, c. 21 (N.I.).
(c) 12, 13 & 14 Geo. 6. c. 44.
(d) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

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

1. The purpose of these Regulations is to make a further modification of the Superannuation Acts, 1834 to 1960, in connection with the operation of the National Insurance Act, 1959, in addition to the modifications made by the National Insurance (Modification of the Superannuation Acts) Regulations, 1960.

2. Regulation 4 of those Regulations provided for the reduction of the superannuation allowance payable during any period after age 65 (60 for women) to an established civil servant who is entitled to a graduated National Insurance pension, where any of the graduated pension is attributable to service in the Civil Service which is reckonable for determining the amount of his superannuation allowance.

3. These Regulations provide for such reduction of the superannuation allowance where there is graduated pension attributable to service in employment other than the Civil Service which, by virtue of any enactment rules or regulations, is reckonable for determining the amount of the superannuation allowance under the Superannuation Acts. The amount of the reduction is calculated according to the method that would have been used for that purpose had the employee remained until retirement in the employment where the service was rendered.