STATUTORY INSTRUMENTS

1974 No. 737

PENSIONS

The Pensions Increase (Federated Superannuation System for Universities) (Amendment) Regulations 1974

Made - - - - 24*th April* 1974

Laid before Parliament 9*th May* 1974

Coming into Operation 31*st May* 1974

The Minister for the Civil Service, in exercise of the powers conferred on him by section 13(2) and (5) of the Pensions (Increase) Act 1971**(a)** and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Pensions Increase (Federated Superannuation System for Universities) (Amendment) Regulations 1974, and shall come into operation on 31st May 1974.

2.—(1) In these Regulations "the principal Regulations" means the Pensions Increase (Federated Superannuation System for Universities) Regulations 1972**(b)**.

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

3. The principal Regulations shall be amended, in Regulation 2, by adding at the end of the definition of "period of F.S.S.U. service" in paragraph (1) the following words:—

"and the said expression also includes any period of service in respect of which, by virtue of the provisions of any of the following:—

(i) the Federated Superannuation System for Universities (Temporary Service) Regulations 1949**(d)**,

(ii) the Federated Superannuation System for Universities (War Service) Regulations 1949**(e)**, or

(iii) Rule 11 of the Superannuation (Reckoning of Certain Previous Service) Rules 1949**(f)**,

a contribution has been invested in his case in a single premium policy under an F.S.S.U. scheme;".

(a) 1971 c. 56.
(b) S.I. 1972/877 (1972 II, p. 2801).
(c) 1889 c. 63.
(d) S.I. 1949/1890 (1949 I, p. 3196).
(e) S.I. 1949/1891 (1949 I, p. 3201).
(f) S.I. 1949/1803 (1949 I, p. 3043).

4. The principal Regulations shall be amended, in Regulation 4, by substituting for paragraph (1) the following paragraph:—

"(1) There shall be ascribed to every person to whom these Regulations apply an appropriate pension rate calculated, subject to the provisions of this Regulation, by multiplying one seventy-fifth of his pensionable salary by forty or by the number of completed years of his period of F.S.S.U. service, whichever is the less; and in this Regulation "pensionable salary" means—

(*a*) in the case of a person who is subject to an F.S.S.U. scheme at the time of his retirement and either—

(i) was born on or before 1st April 1915 and retires from the civil service of the State on or after 1st April 1972 after attaining the age of sixty years, or

(ii) retires on or after 1st April 1972 in the circumstances described in Regulation 3(d)(iii) or (iv) above,

his salary in such period of one year during the last three years of his period of F.S.S.U. service as would be appropriate under the civil service pension scheme for the purpose of determining his pensionable pay if he were eligible for a pension under that scheme, and

(*b*) in the case of any other person, the average amount of his salary during the last three years of his period of F.S.S.U. service."

5. The principal Regulations shall be amended, in Regulation 4, by adding at the end the following paragraphs:—

"(6) Where a person's period of F.S.S.U. service includes service in respect of which, by virtue of any of the instruments referred to in sub-paragraphs (i) to (iii) in the definition of "period of F.S.S.U. service" in Regulation 2(1) above, a contribution has been invested in a single premium policy under an F.S.S.U. scheme, that service shall be taken into account at one half its actual length in calculating the number of completed years of his period of F.S.S.U. service for the purpose of paragraph (1) above.

(7) Where the salary of a person who is serving in the civil service of the State and subject to an F.S.S.U. scheme is reduced after he has attained the age of sixty years, his appropriate pension rate shall be calculated in accordance with paragraphs (8) to (11) below.

(8) There shall be ascribed to such a person as is referred to in paragraph (7) above—

(*a*) a basic pension rate of an amount equal to the appropriate pension rate which would have been ascribed to him in accordance with paragraph (1) above if he had retired on the day before the day on which the reduction of his salary took effect, and

(*b*) a supplemental pension rate calculated by multiplying one seventy-fifth of his pensionable salary by the number of completed years of that part of his period of F.S.S.U. service which followed the reduction of his salary, any period of not less than six months beyond a completed number of years being treated as a whole completed year.

(9) The appropriate pension rate of such a person as is referred to in paragraph (7) above shall be the aggregate of—

(*a*) his basic pension rate,

(*b*) the annual rate of any increase which would be payable to him under the 1971 Act at the time of his retirement from the civil service of the State if he were in receipt of a pension under the civil service pension scheme of an amount equal to his basic pension rate and beginning on the day on which the reduction of his salary took effect, and

(*c*) his supplemental pension rate.

(10) Where the salary of such a person as is referred to in paragraph (7) above is reduced more than once after he has attained the age of sixty years, there shall be ascribed to him a separate supplemental pension rate, calculated in accordance with paragraph (8)(*b*) above, in respect of that part of his period of F.S.S.U. service which falls between one reduction of salary and the next or, in the case of the last reduction of salary before his retirement from the civil service of the State, between that reduction and his retirement; and, in calculating his appropriate pension rate in accordance with paragraph (9) above, there shall be included in the aggregate therein mentioned—

(*a*) every supplemental pension rate so calculated in respect of him, and

(*b*) in the case of a supplemental pension rate so calculated in respect of any part of his period of F.S.S.U. service except the part immediately preceding his retirement from the civil service of the State, the annual rate of any increase which would be payable to him under the 1971 Act at the time of his retirement if he were in receipt of a pension under the civil service pension scheme of an amount equal to the supplemental pension rate in question and beginning on the last day of the period in respect of which the supplemental pension rate is calculated.

(11) For the purpose of calculating the supplemental pension rate in accordance with paragraph 8(*b*) above, in a case where a person's pensionable salary falls to be taken as the average annual amount of his salary during the last three years of his service, and that part of his period of F.S.S.U. service which followed the reduction of his salary was less than three years, his pensionable salary shall be taken to be the average annual amount of his salary during that part of his period of F.S.S.U. service; and in a case where a person's pensionable salary falls to be determined by reference to his salary in a period of one year, and such part of his period of F.S.S.U. service as aforesaid was less than one year, his pensionable salary shall be taken to be the average annual amount of his salary during such part of his period of F.S.S.U. service."

6. The principal Regulations shall be amended, in Schedule 2, by inserting after the entry relating to the Cambridge Institute of Education the words "Cancer Research Campaign", after the entry relating to the National Institute of Agricultural Botany the words "National Institute of Economic and Social Research" and after the entry relating to the Institute of Seaweed Research the words "Inter-University Council".

7. The principal Regulations shall be amended, in Schedule 3, by substituting for the words "Date F.S.S.U. service ended" at the head of column 1 the words "Period in which qualifying date falls".

8. Any increase of benefit attributable to Regulation 3 or 5 above shall take effect in respect of any period beginning on or after 1st September 1971, and any increase of benefit attributable to Regulation 4 above shall take effect in respect of any period beginning on or after 1st April 1972.

Given under the official seal of the Minister for the Civil Service on 24th April 1974.

(L.S.)

Robert Sheldon,
Minister of State to the
Civil Service Department.

EXPLANATORY NOTE

(This Note is not part of the Regulations).

These Regulations amend the Pensions Increase (Federated Superannuation System for Universities) Regulations 1972, which provide for the payment of allowances corresponding to pension increases under the Pensions (Increase) Act 1971 to persons who have been subject to the Federated Superannuation System for Universities (F.S.S.U.) and who have retired from the civil service.
The principal changes are:—

(1) The Regulations provide that, in the case of certain persons who have retired on or after 1st April 1972, their "appropriate pension rate", on which their allowances are based, is to be calculated in accordance with the principal civil service pension scheme on the year's salary in their last three years of service which is most favourable to them, instead of on the average of their salary for such last three years.

(2) The Regulations provide for a more favourable method of calculation of a person's appropriate pension rate in a case where after attaining the age of sixty he continues to serve in the civil service under F.S.S.U. at a reduced rate of salary.

(3) The Regulations provide that certain war service and temporary service in the civil service, in respect of which a contribution has been invested in a single premium policy under F.S.S.U., is to be included, at half its actual length, in the service on which a person's appropriate pension rate is to be calculated.

In accordance with the power conferred by section 13(5) of the 1971 Act, the Regulations provide for any increase in benefit attributable to the change described in paragraph (1) above to take effect from 1st April 1972, and for any increase in benefit attributable to the changes described in paragraphs (2) and (3) above to take effect from 1st September 1971.

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