2. CIVIL SERVICE

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(1) APPROVED EMPLOYMENT

The Superannuation (Approved Employment) Rules, 1949

1949 No. 1327

Made - - - -	15*th July*, 1949
Laid before Parliament	15*th July*, 1949
Coming into Operation	15*th July*, 1949

The Lords Commissioners of His Majesty's Treasury in exercise of the powers conferred on Them by subsection two of section fifty-four of the Superannuation Act, 1949(a), and of all other powers enabling Them in that behalf, hereby make the following Rules:—

PART I.—GENERAL

1.—(1) These Rules may be cited as the Superannuation (Approved Employment) Rules, 1949.

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

(3) These Rules shall come into force on the 15th day of July, 1949.

2.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"Officer" means a person who, having ceased to be a civil servant, is employed in approved employment as defined in section four of the Superannuation Act, 1914(c).

"Approved employment" has the meaning assigned to it by subsection two of section four of the Superannuation Act, 1914.

"The Act" means the Superannuation Act, 1949.

(2) The following expressions have the meanings respectively assigned to them by the Act—

"Civil Servant".

"Medical certificate".

3. Any reference in these Rules to the provisions of any enactment, regulations, or rules, shall be construed unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment, regulations, or rules, including these Rules.

(a) 12, 13 & 14 Geo. 6. c. 44. (b) 52 & 53 Vict. c. 63. (c) 4 & 5 Geo. 5. c. 86.

PART II.—WIDOWS', CHILDREN'S AND DEPENDANTS' PENSIONS

4. Subject to the provisions of this part of these Rules, Part I and Part II of the Act shall have effect in relation to a person who is an officer within the meaning of these Rules as they have effect in relation to a person who is a civil servant, and, accordingly—

(*a*) references in sections two and sixteen of the Act to a superannuation allowance shall be construed as including references to a superannuation allowance payable under section four of the Superannuation Act, 1914, or under section eight of the Superannuation Act, 1935(**a**), and

(*b*) references in the said sections, and in section fifty of the Act, to a deceased or a nominator serving as, or to him having ceased to be, a civil servant, shall be construed as references to him being employed in, or as the case may be, to him having ceased to be employed in, approved employment.

5. For the purpose of calculating the annual rate of any pension payable under Part I or Part II of the Act on the death of an officer, the rate of the superannuation allowance of the deceased shall be deemed to be the rate thereof for which the deceased had become eligible (whether such an allowance at that or any other rate had actually been granted or not) or, as the case may be, for which he would or might have become eligible under the provisions of section four of the Superannuation Act, 1914, of section eight of the Superannuation Act, 1935, and of these Rules, any abatements falling to be made under Regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946(**b**), being left out of account.

6.—(1) Sections seven and twenty of the Act shall not apply to an officer.

(2) Any contribution falling to be made in respect of an officer under Part I or Part II of the Act, shall take the form of a reduction of the additional allowance or gratuity payable to or in respect of him under section four of the Superannuation Act, 1914, or section eight of the Superannuation Act, 1935.

(3) References in subsection (4) of section nine of the Act and in subsection (4) of section twenty-two of the Act, to a person ceasing to be a civil servant, shall, in the application of those subsections to an officer to whom these Rules apply, be construed as including references to a person ceasing to be employed in approved employment.

7. Where an officer has made contributions under section seven or section twenty of the Act before ceasing to be a civil servant none of those contributions shall be returned to him upon his becoming employed in approved employment.

8.—(1) If—

(*a*) an officer ceases to be employed in approved employment in such circumstances that he is not qualified for the grant of a superannuation allowance under the Superannuation Acts, 1914 and 1935, and will not become qualified therefor on attaining a particular age, or

(*b*) when an officer ceases to be employed in approved employment it appears that he has had no wife throughout the period for which Part I of the Act applied to him

(**a**) 25 & 26 Geo. 5. c. 23. (**b**) 9 & 10 Geo. 6. c. 67.

any of the periodical contributions made by him under section seven of the Act may be returned to him and no reduction under Part I of the Act shall be made in the amount of his allowance or gratuity.

(2) If an officer ceases to be employed in approved employment in such circumstances that he is not qualified for the grant of a superannuation allowance under the Superannuation Acts, 1914 and 1935, and will not become qualified therefor on attaining a particular age, any of the periodical contributions made by him under section twenty of the Act while he was a civil servant may be returned to him and no reduction under Part II of the Act shall be made in the amount of his allowance or gratuity.

(3) The provisions of the two foregoing paragraphs of this Rule shall not apply in the case of an officer who, after ceasing to be employed in approved employment, becomes employed as a civil servant.

(4) Where any contributions are returned under this Rule they may be returned with compound interest at such rate or rates as the Treasury may from time to time determine.

PART III.—SUPERANNUATION BENEFITS IN CASES OF PREMATURE RETIREMENT AND MODIFICATION OF PROVISIONS OF SECTION 8 OF THE SUPERANNUATION ACT 1935

9.—(1) The provisions of this Rule shall have effect in relation to an officer in substitution for the provisions of section thirty-four of the Act.

(2) If, after the passing of the Act—

(*a*) the employment of an officer is terminated at his own request after he has attained the age of fifty years; and

(*b*) no superannuation allowance or additional allowance can be granted to him apart from the provisions of this Rule,

the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired from the approved employment upon a medical certificate:

Provided that, unless the Treasury otherwise determine on compassionate grounds, no such allowance shall be granted to a person by virtue of this Rule before he attains the age which would have been the retiring age for him if he had continued in the employment in which he was when he was last a civil servant. And Provided further, that no such allowance shall be granted under this Rule to a person who, after ceasing to be employed in approved employment, becomes employed in the Civil Service of the State.

(3) Where an officer who would have been eligible for the grant of a superannuation allowance but for the operation of the first proviso to paragraph (2) of this Rule dies without any such allowance being granted to him, the Treasury may grant to his legal personal representatives such gratuity, if any, as might have been granted to them if he had died on the last day on which he was employed as a civil servant.

10.—(1) Subsection (2) of section eight of the Superannuation Act 1935 shall have effect as if the words "and no provision is made under any system of superannuation applicable to the approved employment for the

grant of pensions to widows or dependants of persons dying while in that employment", were omitted therefrom.

(2) In any case where—

(*a*) a gratuity payable under subsection (2) of section eight of the Superannuation Act, 1935, falls to be reduced in accordance with Rule 6 hereof, and

(*b*) the amount of the contribution to be made under the said Rule exceeds the amount of the gratuity which is payable,

the gratuity shall be increased by an amount equal to the difference between the amount of the gratuity and the amount of the contribution.

11. Nothing in these Rules shall affect the power of the Treasury under paragraph (*b*) of subsection (1) of section eight of the Superannuation Act, 1935, to grant to an officer (if requested by him so to do) such superannuation allowance, additional allowance, or gratuity, as is provided for in that paragraph.

Dated the 15th day of July, 1949.

R. J. Taylor,

Joseph Henderson,

Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

Part II of these Rules makes provision for the extension of the Widows' and Children's and Dependants' Pension Schemes provided by Parts I and II of the Superannuation Act, 1949, with modifications, to officers who have left the civil service to go to employment which is "approved" under Section 4 of the Superannuation Act, 1914. Just as the pension earned by the civil servant up to the point when he left for the "approved employment" is payable when he retires from that employment in circumstances which would have entitled him to pension had he remained in the civil service, so, under these Rules, if he became a participant in the Widows' and Children's or Dependants' Pension Schemes under the Superannuation Act, 1949, before he left the civil service, the eligibility of his widow and children, or of his dependants, is similarly preserved.

Part III of these Rules extends to officers who have left the civil service to go to employment which is "approved" under Section 4 of the Superannuation Act, 1914, the provision in Section 34 of the Superannuation Act, 1949, which permits the payment of pension to an officer, on his reaching the retiring age, who has elected to retire at any time after reaching the age of 50 years.