# The Superannuation (Civil Servants and Teachers) Rules, 1950

## 1950 No. 216

*Made* - - - - 10*th February*, 1950
*Coming into Operation* 6*th March*, 1950
*To be laid before Parliament**

The Treasury and the Minister of Education jointly in the exercise of the powers conferred upon them by Sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), hereby make the following rules:—

### Part I—Introductory

**1.**—(1) These rules may be cited as the Superannuation (Civil Servants and Teachers) Rules, 1950, and shall come into operation on the sixth day of March, 1950.

(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) In these rules, unless the context otherwise requires:—

(*a*) "the Act" means the Superannuation (Miscellaneous Provisions) Act, 1948;

"the Act of 1925" means the Teachers (Superannuation) Act, 1925(c);

"the Act of 1935" means the Superannuation Act, 1935(d);

"the Act of 1937" means the Teachers (Superannuation) Act, 1937(e);

"the Act of 1945" means the Teachers (Superannuation) Act, 1945(f);

"the Act of 1949" means the Superannuation Act, 1949(g);

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1949;

"the Teachers Acts" means the Teachers (Superannuation) Acts, 1918 to 1946;

"civil servant" means a person serving in an established capacity in the permanent Civil Service of the State within the meaning of Section 17 of the Superannuation Act, 1859(h), and "established service" shall be construed accordingly;

"contributions" means contributions payable by or in respect of a teacher under the Teachers Acts;

"contributory service" and "recognised service" do not include service which is treated as recognised or contributory service under Section 13 (2) (*g*) of the Act of 1925 or service which, under the provisions of any scheme made under Section 21 (1) (*c*) of the Act of 1925, is treated in the same manner as service which is approved external service under Section 13 of the Act of 1925 but subject thereto have the same meanings respectively as they have under the Teachers Acts;

* This instrument was laid before Parliament on the 1st March, 1950.

(a) 11 & 12 Geo. 6. c. 33. (b) 52 & 53 Vict. c. 63. (c) 15 & 16 Geo. 5. c. 59.
(d) 25 & 26 Geo. 5. c. 23. (e) 1 Edw. 8 & 1 Geo. 6. c. 47. (f) 8 & 9 Geo. 6. c. 14.
(g) 12, 13 & 14 Geo. 6. c. 44. (h) 22 Vict. c. 26.

"the Minister" means the Minister of Education;

"pension" has the meaning assigned to that expression by the Act except that it does not include a return of contributions;

"return of contributions" means any balance of contributions repaid to a person under Section 12 (1) of the Act of 1925 or under Section 8 (1) of the Act of 1945 and not subsequently repaid by him under the proviso to Section 12 (2) of the Act of 1925;

"superannuation benefits" means superannuation allowances, compensations, retiring allowances, additional allowances and gratuities payable to a Civil Servant under the Superannuation Acts, but does not include any annual allowance or gratuity granted in the case of death or injury arising from service in accordance with the terms of a Treasury warrant; and

"teacher" includes any person who is treated as a teacher for the purposes of the Teachers Acts.

(*b*) other expressions which have meanings assigned to them by any of the above-mentioned Acts shall have the same respective meanings for the purposes of these rules.

**2.** These rules prescribe conditions as to pensions payable to persons transferring from one employment to another employment, that is to say—

(*a*) Part II of these rules prescribes conditions for persons transferring from contributory service or recognised service to established service; and

(*b*) Part III of these rules prescribes conditions for persons transferring from established service to contributory service.

## PART II—TRANSFER FROM CONTRIBUTORY SERVICE OR RECOGNISED SERVICE TO ESTABLISHED SERVICE

**3.**—(1) Where a person, without having become entitled to benefits under the Teachers Acts other than a return of contributions, becomes employed in established service within three months after ceasing to be employed in contributory service or within such longer period as the Minister, with the consent of the Treasury, may allow in any particular case, then, subject as in these rules provided—

(*a*) all his service which he is entitled to reckon as recognised or contributory service, other than service in respect of which he has had a return of contributions or service under any scheme made under Section 21 (1) (*a*) of the Act of 1925, shall be reckoned as established service; and

(*b*) neither he nor his legal personal representatives shall be entitled to be repaid a balance of contributions under the Teachers Acts in respect of any service which has become reckonable as established service by virtue of this rule.

This Part of these rules shall apply to a person as aforesaid notwithstanding that the cessation of his employment in contributory service or the commencement of his established service was before the date of the coming into operation of these rules or before the 28th May, 1948, being the date of the passing of the Act, but shall not apply to a person who died before the first-mentioned date.

(2) Where a person, without having become entitled to benefits under the Teachers Acts other than a return of contributions, became employed in established service within three months after ceasing to be employed in recognised service or within such longer period as the Minister, with the consent

of the Treasury, may allow in any particular case, his recognised service shall, subject as in these rules provided, be reckoned as established service.

(3) Where the established service of any such person as aforesaid has ceased on or after the date of the passing of the Act but before the date of the coming into operation of these rules and that person has become entitled to both a Civil Service pension and a teacher's pension, he shall instead of being entitled to a separate teacher's pension be entitled as from the date on which the said pensions became payable to such an adjustment of his Civil Service pension as would have been effected if these rules had been in force on the said last-mentioned date; and if any person to whom this paragraph applies has made an allocation from his teacher's pension under the provisions of the Act of 1937 then—

(*a*) if he has elected that Part I of the Act of 1949, shall apply to him, he may cancel such allocation but without prejudice to anything duly done or suffered during the time while such allocation was in force, and any such cancellation shall not become effective until the contribution falling to be made by virtue of such election has been paid; and

(*b*) if he has not elected as aforesaid or has elected but does not cancel his allocation, then—

(i) the amount of that part of his adjusted Civil Service pension which is related to his former teacher's pension shall be reduced by the amount which he surrendered under the Act of 1937;

(ii) any annuity which is being paid at the date of the coming into operation of these rules in respect of his allocation of teacher's pension shall cease as from that date and in place thereof there shall be payable as from that date such pension under the Act of 1935 as would have been payable if the said allocation had been made from his Civil Service pension; and

(iii) in ascertaining the amount of any pension which will become payable on his death to his spouse or dependant under the Act of 1935 the allocation shall be deemed to have been made from his Civil Service pension and not from his teacher's pension.

(4) Where any such person as is mentioned in the last foregoing paragraph has received any payments in respect of his teacher's pension, then—

(*a*) those payments shall be set off against the payments due to him by virtue of the adjustment for which that paragraph provides; and

(*b*) any payments received by him as aforesaid or by way of annuity under the Act of 1937 shall be excluded from the account for which Section 15 of the Act of 1925 provides:

Provided that this paragraph shall be deemed not to apply to any amounts paid to or in respect of an organiser under Section 14 (3) (*b*) of the Act of 1925.

(5) This Part of these rules shall not apply to any such person as aforesaid if—

(*a*) he is a person who before the date of the coming into operation of these rules has become entitled to a Civil Service pension or a teacher's pension, unless within six months after that date he notifies the Treasury in writing that he wishes this Part of these rules to apply to him; or

(*b*) he is any other person as aforesaid and—

(i) his established service ceased before the date of the passing of the Act and does not, by virtue of rules made under Section 2 of the Act, become reckonable as pensionable service under another superannuation scheme; or

(ii) he notifies the Treasury in writing that he does not wish this Part of these rules to apply to him ; or

(iii) he has had a return of contributions after last ceasing to be employed in recognised or contributory service.

(6) In the case of a person who becomes subject to this Part of these rules, Section 124 (5) (*c*) of the Local Government Act, 1929(**a**), shall have effect as if any pension or balance of contributions payable to or in respect of him were payable to or in respect of him under Part II of the Act of 1925.

**4.** Where a person to whom this Part of these rules applies was, at the date on which he ceased to be in contributory service, in course of making to the Minister, as a condition of reckoning past service, any payments or contributions additional to those required by Section 9 of the Act of 1925, the right to receive the balance of the said payments or contributions shall be, and is hereby, transferred to the Treasury.

**5.**—(1) Where a person's period of war service within the meaning of the Teachers Superannuation (War Service) Act, 1939(**b**), or period of national service within the meaning of the Teachers Superannuation (National Service) Rules, 1949(**c**), becomes reckonable as established service by virtue of these rules but the contributions in respect of the whole or any part of such war service or national service payable by that person in accordance with the aforesaid Act or the aforesaid first-mentioned rules have not been paid before the date when that person becomes employed in established service, then—

(*a*) the right to receive the sum outstanding on that date, which expression shall include any sum due by virtue of Section 2 (3) or Section 3 (2) (*b*) of the said Act of 1939, shall be, and is hereby, transferred to the Treasury ; and

(*b*) unless the said sum is paid within three months after that date or within six months after the date of the coming into operation of these rules, whichever is the later date, by that person to the Treasury, the service in respect of which payment is not made shall not be reckonable as established service.

(2) In the case of any person as aforesaid, any employer's contributions payable under rule 6 of the Teachers Superannuation (Employers' Contributions) Rules, 1928(**d**), which are outstanding at the date on which that person becomes employed in established service shall be paid forthwith by the employer to the Minister and if they are not so paid shall be deducted from any grant payable to that employer by the Minister.

**6.** Royal Air Force teaching service which is reckoned as recognised or contributory service at one-and-a-half times its actual length under the Scheme made on the 2nd May, 1930(**e**), under Section 21 (1) (*b*) of the Act of 1925, shall be computed in like manner for the purposes of this Part of these rules but not so as to affect the ascertainment of average salary.

**7.**—(1) In the case of an organiser service before 1st April, 1926, which counts as recognised service for a period less than the period of actual service under Section 14 (2) of the Act of 1925 shall be computed in like manner for the purposes of this Part of these rules ;

(**a**) 19 & 20 Geo. 5. c. 17. (**b**) 2 & 3 Geo. 6. c. 95. (**c**) S.I. 1949 (No. 468) I, p. 1533.
(**d**) S.R. & O. 1928 (No. 200) p. 470. (**e**) S.R. & O. 1930 (No. 309) p. 486.

Provided that such service shall count in full for the purpose of determining whether the person has completed the minimum period of service prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him.

(2) In the case of an organiser any part of whose service before the 1st April, 1926, is, by virtue of Section 14 (2) of the Act of 1925 and of this Part of these rules, not reckonable in the calculation of pension granted to or in respect of him when he ceases to be employed in established service or when his pension is adjusted under the provisions of rule 3 (3) of these rules, the local education authority by whom he was last employed in contributory service may pay to or in respect of him the amounts by which the said pension would have been increased if his service before the said date had been treated as recognised service.

(3) In estimating the amounts which the local authority may pay under the last foregoing paragraph, any reduction of lump sum consequent upon arrangements made by the organiser under the Act of 1949, for any widow's or dependants' pension shall be ignored.

(4) Where an authority by virtue of this rule pays any sum by way of increase or supplement in the annual superannuation allowance of a person, then for the purposes of Section 2 of the Act of 1935, which limits the amount of annual superannuation allowance which may be surrendered to a part not exceeding one-third thereof, the sum to be taken into account for that purpose shall be the allowance as so increased or supplemented.

**8.**—(1) Where a person who is subject to this Part of these rules ceases to be employed in established service and no superannuation benefits are payable to him, or will become payable to him on his attaining a specified age, then, unless he has become employed in approved employment within the meaning of Section 4 of the Superannuation Act, 1914(**a**), or his established service is transferable from the Superannuation Acts to some other superannuation system by virtue of rules made under Section 2 of the Act or by virtue of any other arrangements, he shall be entitled to receive from the Treasury a sum equal to the balance of his contributions as hereinafter in this section defined.

(2) Where a person who is subject to this Part of these rules dies his legal personal representatives shall be entitled to receive from the Treasury a sum equal to the balance of that person's contributions.

(3) For the purposes of this rule the expression "balance of contributions" means, as the case requires, a balance of contributions computed as provided by—

(*a*) Section 12 (5) of the Act of 1925 ; or

(*b*) Section 12 (5) of the Act of 1925 as amended by Regulation 54 (*a*) (iii) and (iv) of the National Health Service (Superannuation) Regulations, 1947(**b**) ; or

(*c*) Section 12 (5) of the Act of 1925 as amended by any rules made by the Minister under Section 2 of the Act for the transfer to the Teachers Acts of superannuation liabilities in respect of previous service:

Provided that—

(i) where, as a condition of reckoning past service, any additional payments or contributions have been made by a person to the Treasury under rule 4 of these rules or where an amount due to

(a) 4 & 5 Geo. 5. c. 86. (b) S.R. & O. 1947 (No. 1755) I, p. 1373.

be paid to the Treasury by way of such payments or contributions is deducted by the Treasury from any superannuation allowances granted to that person, those payments or contributions or that amount deducted shall be deemed to be contributions paid by that person under Section 9 (1) (*a*) of the Act of 1925 ;

(ii) any payments made by the Treasury to a person or to his legal personal representatives by way of superannuation benefits or of gratuity under Section 2 of the Superannuation Act, 1909(a), shall be deemed to be payments made under the Act of 1925 ; and

(iii) where an additional allowance or a gratuity under Section 2 of the Superannuation Act, 1909, has been reduced by an amount due to be paid to the Treasury by way of additional payments or contributions as aforesaid, or reduced under Sections 9 or 22 of the Act of 1949, (which Sections relate to pensions to widows, children, etc., and dependants' pensions) or where part of an annual allowance has been surrendered under Section 2 of the Act of 1935 or Section 33 of the Act of 1949, (which sections provide for allocation from pension for the benefit of a spouse or dependant) the sums to be taken into account shall be the sums that would have been paid but for the reduction or surrender.

**9.**—(1) If a person who is subject to this Part of these rules has been employed in contributory service under a Scheme made under Section 21 (1) (*a*) of the Act of 1925, any recognised or contributory service may, subject as herein provided, also be treated as approved external service for the purposes of Section 13 of the Act of 1925.

(2) Part II of the Act of 1925 with respect to the calculation of the average salary of a teacher shall have effect as if the reference therein to contributory and recognised service did not include a reference to service which is treated as approved external service by virtue of this rule:

Provided that the provisions of paragraphs (*d*) (ii) and (*e*) of Section 13 (2) of the Act of 1925 shall apply as they apply to the category of approved external service therein referred to.

**10.**—(1) Where a person having previously been employed in recognised or contributory service becomes employed in service in Scotland which is approved external service for the purposes of Section 13 (1) (*a*) of the Act of 1925 and subsequently becomes employed in established service and is entitled to reckon his said approved external service as established service under rules made by the Treasury and the Secretary of State under Section 2 of the Act, his recognised service (if any) and his contributory service, other than service in respect of which he has had a return of contributions or service under any scheme made under Section 21 (1) (*a*) of the Act of 1925, shall be reckoned as established service unless he notifies the Treasury in writing that he does not wish this Part of these rules to apply to him.

'(2) Where a person having previously been employed in contributory service becomes employed in service which is reckonable as contributing service for the purposes of the Local Government (Superannuation) Act, 1937(b), and subsequently becomes employed in established service and is entitled to reckon as established service under rules made by the Treasury and the Minister of Health under Section 2 of the Act his service under the Local Government (Superannuation) Act, 1937, other than service which

(a) 9 Edw. 7. c. 10. (b) 1 Edw. 8 & 1 Geo. 6. c. 68.

is reckonable under Section 17 (1) of that Act, then his recognised service (if any) and his contributory service, other than service in respect of which he has had a return of contributions or service under any scheme made under Section 21 (1) (*a*) of the Act of 1925, together with any service which was reckonable as non-contributing service under paragraph (*a*) of the proviso to Section 17 (1) aforesaid shall be reckoned as established service:

Provided that service which was reckonable as non-contributing service under paragraph (*a*) of Section 17 (1) aforesaid shall be reckonable at half its actual length for the purpose of determining the amount of any pension payable to or in respect of him.

(3) Notwithstanding any provision in rule 3 of these rules where a person having previously been employed in service which by virtue of any scheme made under Section 21 (1) (*c*) of the Act of 1925 is treated in the same manner as service which is approved external service under Section 13 of that Act becomes employed in established service he shall not be subject to the provisions of this Part of these rules unless, within three months after the date on which he becomes so employed as last aforesaid or within such longer period as the Minister may allow in any particular case, he notifies the Minister in writing that he wishes the said provisions to apply to him.

**11.** A person who, when he last ceased to be in contributory service before becoming employed as an established civil servant, was subject to modification under the National Insurance (Modification of Teachers Pensions) Regulations, 1948(**a**), shall be subject to the modifications for which the National Insurance (Modification of the Superannuation Acts) Regulations, 1948(**b**), provide, and a person who was not subject to modification under the first-mentioned regulations shall not be subject to modifications under the last-mentioned regulations.

## Part III—Transfer from Established Service to Contributory Service

**12.**—(1) Where a person, without having become entitled to benefits under the Superannuation Acts, becomes employed in contributory service within three months after ceasing, with the consent of the Department in which he was employed, to be employed in established service or within such longer period as the Treasury may allow in any particular case:—

(*a*) the period of his service on which superannuation benefits could be computed under the Superannuation Acts shall be reckoned as recognised or contributory service;

(*b*) any period of established service which is reckoned for the purposes of the Superannuation Acts at more than its actual length shall be similarly reckoned for the purposes of this rule but not so as to affect the calculation of average salary on which benefits are computed;

(*c*) any period of service which is reckoned for the purposes of the Superannuation Acts at less than its actual length shall be similarly reckoned for the purposes of this rule except that it shall be reckonable in full

(i) in calculating the average salary on which benefits are computed, and

(ii) in determining whether that person has served for the minimum period required by the Teachers Acts as a condition for any pension to be paid to or in respect of him;

(a) S.I. 1948 (No. 889) I, p. 2851. (b) S.I. 1948 (No. 498) I, p. 3291.

(*d*) for the purposes of Section 3 (1) (*c*) of the Act of 1925 as amended by Section 8 of the Act, he shall be deemed to have become employed in contributory service at the date on which he became employed in established service.

(2) This Part of these rules shall apply to a person as aforesaid notwithstanding that the cessation of his employment in established service or the commencement of his contributory service was before the date of the coming into operation of these rules or before the 28th May, 1948, being the date of the passing of the Act, but shall not apply to such a person if—

(*a*) he is a person who before the date of the coming into operation of these rules has become entitled to a Civil Service pension or a teacher's pension, unless within six months after that date he notifies the Minister in writing that he wishes this Part of these rules to apply to him ; or

(*b*) he is any other person as aforesaid and—

(i) he is not employed in contributory service on or after the date of the passing of the Act unless, by virtue of rules made under Section 2 of the Act, his contributory service becomes reckonable as pensionable service under another superannuation scheme ; or

(ii) he notifies the Minister in writing that he does not wish this Part of these rules to apply to him ; or

(iii) he died before the date of the coming into operation of these rules.

(3) Where the contributory service of any such person as aforesaid has ceased on or after the date of the passing of the Act but before the date of the coming into operation of these rules and that person has become entitled to both a Civil Service pension and a teacher's pension, he shall instead of being entitled to a separate Civil Service pension be entitled as from the date on which the said pensions became payable to such an adjustment of his teacher's pension as would have been effected if these rules had been in force on the said last-mentioned date ; and if any person to whom this paragraph applies has made an allocation from his Civil Service pension under the provisions of the Act of 1935 :—

(*a*) the amount of that part of his adjusted teacher's pension which is related to his former Civil Service pension shall be reduced by the amount which he surrendered under the Act of 1935 ;

(*b*) any pension which is being paid at the date of the coming into operation of these rules in respect of his allocation of Civil Service pension shall cease as from that date and in place thereof there shall be payable as from that date such annuity as would have been payable if the said allocation had been made from his teacher's pension ; and

(*c*) in ascertaining the amount of any pension which will become payable on his death to his spouse or dependant under the Act of 1937, the allocation shall be deemed to have been made from his teacher's pension and not from his Civil Service pension.

(4) Where any such person as is mentioned in the last-foregoing paragraph has received any payments in respect of his Civil Service pension those payments shall be set off against the payments due to him by virtue of the adjustment for which that paragraph provides.

**13.**—(1) Where a person to whom this Part of these rules applies was, at the date on which he ceased to be employed in established service, in course of making any payments or contributions as a condition of reckoning past service the right to receive the balance of the said payments or contributions shall be, and is hereby, transferred to the Minister.

(2) All sums received by the Minister under this rule shall be paid into the Exchequer.

**14.**—(1) A person who was subject to the National Insurance (Modification of the Superannuation Acts) Regulations, 1948, at the date when he ceased to be employed in established service shall be subject to the modifications applicable to new entrants under the National Insurance (Modification of Teachers Pensions) Regulations, 1948.

(2) A person who was not subject to the regulations first-mentioned in paragraph (1) of this rule at the date on which he ceased to be employed in established service shall not be subject to any modifications under the regulations secondly mentioned in that paragraph unless he elects to be so subject in accordance with the provisions of the last-mentioned regulations, and if he so elects he shall be subject to modification as an existing teacher under those regulations.

## PART IV—GENERAL

**15.** In respect of any person who is subject to the provisions of Part II or Part III of these rules, the account which is kept in accordance with Section 15 of the Act of 1925 and the Second Schedule thereto shall show the revenue which would be received or the expenditure which would be incurred if a transfer value were payable to or by the Minister of such amount as shall be determined by the Treasury to represent the liability of which the Treasury or the Minister, as the case may be, is relieved.

*Wm. Hannan,*
*R. J. Taylor,*
Two of the Lords Commissioners of
His Majesty's Treasury.

7th February, 1950.

Given under the Official Seal of the Minister of Education this 10th day of February, 1950.

(L.S.)

*Geo. Tomlinson,*
Minister of Education.

---

## EXPLANATORY NOTE

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

The purpose of these rules is to preserve the superannuation rights of persons who transfer from pensionable service under the Teachers (Superannuation) Acts to pensionable service under the Superannuation Acts relating to the Civil Service, or vice versa. Where such a transfer is made the person is enabled to reckon the whole of his pensionable service for pension under the superannuation system to which he transfers.

Provision for the retrospective effect of the rules (subject to the right of the person concerned in such cases to elect not to come under them) is made in Section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948.