INTERCHANGE RULES

1956 No. 976

The Superannuation (Civil Service and Jersey Civil Service) Transfer Rules, 1956

Made - - - -	*25th June*, 1956
Laid before Parliament	*27th June*, 1956
Coming into Operation	*28th June*, 1956

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred upon Them by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), and of all other powers enabling Them in that behalf, hereby make the following Rules:—

PART I

GENERAL PROVISIONS

1.—(1) These Rules may be cited as the Superannuation (Civil Service and Jersey Civil Service) Transfer Rules, 1956.

(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 operation on the twenty-eighth day of June, nineteen hundred and fifty-six.

2.—(1) In these Rules, unless the context otherwise requires:—

(*a*) the following expressions have the meanings hereby respectively assigned to them:—

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

"the Board" means the Civil Service Board of the States of Jersey;

"the Jersey Pensions Rules" means the Civil Service Administration (Pensions) (Jersey) Rules, 1949, as amended;

"member of the civil service of Jersey" means an established member of the civil service of Jersey who is entitled to participate in the superannuation benefits provided by the Jersey Pensions Rules;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1950;

(*b*) the following expressions have the meanings respectively assigned to them by the Act:—

"civil servant";

"pension"; and

"pensionable employment".

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

(a) 11 & 12 Geo. 6. c. 33. (b) 52 & 53 Vict. c. 63.

PART II

PROVISIONS RELATING TO PERSONS TRANSFERRING FROM THE JERSEY CIVIL SERVICE TO THE UNITED KINGDOM CIVIL SERVICE

3.—(1) This part of these Rules shall apply to any person who—

(*a*) becomes employed as a civil servant within three months after ceasing to be employed as a member of the civil service of Jersey or within such longer period as the Treasury may allow in any particular case; and

(*b*) has not become entitled to a pension under the Jersey Pensions Rules; and

(*c*) within three months after the date on which he becomes employed as a civil servant or within six months after the coming into operation of these Rules, whichever period last expires, notifies the Department in which he is employed that he desires these Rules to apply to him, and furnishes such Department with particulars of his previous pensionable employment.

(2) This part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed as a member of the civil service of Jersey or became employed as a civil servant before the coming into operation of these Rules:

Provided that—

(*a*) he became employed as a civil servant not earlier than the 29th day of October, 1949; and

(*b*) he has not ceased to be employed as a civil servant before the coming into operation of these Rules; and

(*c*) the Board consents.

(3) In this part of these Rules a person to whom this part of these Rules applies is referred to as "the officer".

4. If the Treasury receive from the Board a transfer value calculated in accordance with a method approved by the Treasury in respect of the service which immediately before the officer ceased to be employed as a member of the civil service of Jersey he was entitled to reckon as established service for the purposes of the Jersey Pensions Rules, such service as aforesaid shall be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

Provided that any service which for the purposes of the Jersey Pensions Rules would have been reckonable solely for the purpose of determining whether any pension was payable thereunder to or in respect of the officer shall not be reckoned under this Rule as service in the capacity of a civil servant except for the sole purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him.

5. Where the officer ceases to be employed as a civil servant in circumstances which do not render him eligible for a superannuation allowance under the Superannuation Acts, the Treasury may, provided that he has not been dismissed in consequence of an offence of a fraudulent character or of grave misconduct, pay to or in respect of him whichever is the greater of the following sums:—

(*a*) a sum equal to the sum which might have been paid to or in respect of him by way of a return of contributions and any interest thereon under

the pensions scheme administered by the Board, if when he ceased to be employed as a member of the civil service of Jersey he had ceased to be so employed in similar circumstances ; or

(*b*) such a sum as the officer may be eligible to receive or as may be paid in respect of him under the Superannuation Acts by way of a short service gratuity or a death gratuity.

PART III

PROVISIONS RELATING TO PERSONS TRANSFERRING FROM THE UNITED KINGDOM CIVIL SERVICE TO THE JERSEY CIVIL SERVICE

6.—(1) This part of these Rules shall apply to any person who—

(*a*) becomes employed as a member of the civil service of Jersey within three months after ceasing to be employed as a civil servant or within such longer period as the Treasury may allow in any particular case ; and

(*b*) has before changing his employment as aforesaid obtained the consent of the Head of the Department in which he was serving ; and

(*c*) has not become eligible for a pension under the Superannuation Acts ; and

(*d*) within three months after the date on which he becomes employed as a member of the civil service of Jersey or within six months after the coming into operation of these Rules, whichever period last expires, notifies the Board that he desires these Rules to apply to him.

(2) This part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed as a civil servant or became employed as a member of the civil service of Jersey before the coming into operation of these Rules :

Provided that—

(*a*) he became employed as a member of the civil service of Jersey not earlier than the 29th day of October, 1949 ; and

(*b*) he has not ceased to be employed as a member of the civil service of Jersey before the coming into operation of these Rules ; and

(*c*) the Treasury consent.

(3) In this part of these Rules a person to whom this part of these Rules applies is referred to as " the officer ".

7. If the Treasury are satisfied that the officer will be entitled under the Jersey Pensions Rules to reckon as established service for the purposes of those Rules such of his service as is reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant, the Treasury may, upon these Rules becoming applicable to the officer, pay to the Board a transfer value calculated in accordance with a method approved by the Treasury in respect of such of the officer's service as is reckonable as aforesaid.

Dated this 25th day of June, 1956.

Martin Redmayne,
Peter Legh,
Two of the Lords Commissioners of Her Majesty's Treasury.

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 provide for the aggregation of service and a single superannuation award for civil servants who transfer within the prescribed period from established service in the Jersey Civil Service to established posts in the United Kingdom Civil Service and vice versa. Those who transfer can reckon the whole of their service for pension under the superannuation system to which they transfer, subject to the payment of transfer values (calculated on tables approved by the Treasury) by the previous employer in respect of the former service.

Under the express powers of section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948 (under which the Rules are made) the Rules will apply to transfers between the Jersey Civil Service and the United Kingdom Civil Service on and after 29th October, 1949 (the date of the introduction of the Jersey Civil Service Pension Scheme) provided that the person affected has not ceased to be employed in the service to which he has transferred and that the Civil Service Board of the States of Jersey or the Treasury, as the case may be, consent.

INCREASE OF PENSIONS

1956 No. 1105

The Increase of Pensions (Extension) Regulations, 1956

Made - - - -	16*th July*, 1956
Laid before Parliament	19*th July*, 1956
Coming into Operation	20*th July*, 1956

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred on them by section 5 of the Pensions (Increase) Act, 1947(**a**), as applied by subsection (1) of section 3 of the Pensions (Increase) Act, 1952(**b**), and subsection (1) of section 8 of the Pensions (Increase) Act, 1956(**c**), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1.—(1) The Postmaster-General is hereby empowered to pay the like increases of pensions payable by him under any scheme framed under the Injuries in War (Compensation) Act, 1915(**d**), and for the time being in force, as would be payable if those pensions were pensions specified in the First Schedule to the Pensions (Increase) Act, 1956.

(2) The Trustees of the Borough Market, Southwark, are hereby empowered to pay the like increases of pensions payable by them as would be payable if those pensions were pensions specified in the First Schedule to the Pensions (Increase) Act, 1956.

(a) 10 & 11 Geo. 6. c. 7.
(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.
(c) 4 & 5 Eliz. 2. c. 39.
(d) 5 & 6 Geo. 5. c. 24.