STATUTORY INSTRUMENTS

1962 No. 545

PENSIONS

The Superannuation (Civil Service and Public Offices) (Transfer) Rules, 1962

Dated - - - -	16*th March*, 1962
Laid before Parliament	22*nd March*, 1962
Coming into Operation	23*rd March*, 1962

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

TRANSFERS FROM CERTAIN PUBLIC OFFICES TO THE CIVIL SERVICE

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

(*a*) has become employed as a civil servant within one month after ceasing to be employed in a public office ; and

(*b*) subsequently ceases to be employed as a civil servant and enters other employment in such circumstances that either—

(i) the Treasury may, by virtue of any Rules under section 2 of the Act, pay a transfer value in respect of such of his service as is reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant, or

(ii) by virtue of any Rules under the said section 2 or any Regulations under subsection (1) of section 67 of the National Health Service Act, 1946(b), or under subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947(c), such of his service as aforesaid is to be reckonable for pension purposes.

(2) This Part of these Rules shall apply to such a person notwithstanding that he ceased to be employed in a public office, or became, or ceased to be, employed as a civil servant, or entered other employment before the coming into operation of these Rules or before the passing of the Act:

Provided that this Part of these Rules shall not apply—

(*a*) to a person who has ceased to be employed in a public office before the coming into operation of these Rules unless he has consented to this Part of these Rules applying to him ; or

(*b*) to a person who, having ceased to be employed as a civil servant, has entered other employment before the coming into operation of these Rules unless—

(a) 11 & 12 Geo. 6. c. 33. (b) 9 & 10 Geo. 6. c. 81. (c) 10 & 11 Geo. 6. c. 27.

(i) he has not before the coming into operation of these Rules become entitled to, or eligible for, the payment of a pension other than a return of contributions ; and

(ii) he is in pensionable employment on the coming into operation of these Rules, and the Treasury are satisfied that under the pension scheme to which he is subject by virtue of that employment he will be entitled to reckon as service for the purposes of that scheme such of his service as is specified in the next following Rule.

2. If, in the case of a person to whom this Part of these Rules applies, the Treasury receive, out of the fund of the authority under whom he last served in a public office before he became a civil servant (or, where the rights and liabilities of that authority have been transferred to another authority, from that other authority), a transfer value, calculated in accordance with tables approved by the Treasury, in respect of such of his service as was reckonable for pension purposes immediately before he ceased to serve in a public office, that service shall be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant.

PART II

TRANSFERS FROM THE CIVIL SERVICE TO CERTAIN PUBLIC OFFICES

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

(*a*) has become employed in a public office within one month after ceasing to be employed as a civil servant ; and

(*b*) subsequently ceases to be employed in that public office and enters other employment in such circumstances that the authority under whom he has served in the public office may pay a transfer value in respect of such of his service as is reckonable for pension purposes.

(2) This Part of these Rules shall apply to such a person notwithstanding that he ceased to be employed as a civil servant, or became, or ceased to be, employed in a public office, or entered other employment before the coming into operation of these Rules or before the passing of the Act:

Provided that this Part of these Rules shall not apply—

(*a*) to a person who has ceased to be employed as a civil servant before the coming into operation of these Rules unless he has consented to this Part of these Rules applying to him ; or

(*b*) to a person who, having ceased to be employed in a public office, enters other employment before the coming into operation of these Rules unless—

(i) he has not before the coming into operation of these Rules become entitled to, or eligible for, the payment of a pension other than a return of contributions ; and

(ii) he is in pensionable employment on the coming into operation of these Rules, and the Treasury are satisfied that under the pension scheme to which he is subject by virtue of that employment he will be entitled to reckon as service for the purposes of that scheme such of his service as is specified in the next following Rule.

4. If, in the case of a person to whom this Part of these Rules applies, the Treasury are satisfied that such of his service as was, immediately

before he ceased to be employed as a civil servant, reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant will be taken into account for the purpose of calculating the transfer value to be paid in respect of his service by the authority under whom he has served in a public office, the Treasury may pay to that authority a transfer value, calculated in accordance with tables approved by the Treasury, in respect of such of his service as was reckonable as aforesaid.

PART III

GENERAL AND SUPPLEMENTAL PROVISIONS

5.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

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

"civil servant" has the meaning assigned to it by subsection (1) of section 17 of the Act;

"pension" has the meaning assigned to it by subsection (1) of section 17 of the Act;

"pensionable employment" has the meaning assigned to it by subsection (1) of section 17 of the Act;

"public office" means any employment which is pensionable employment and the remuneration of which is paid out of any of the funds specified in the Schedule to these Rules;

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

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

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

6. These Rules may be cited as the Superannuation (Civil Service and Public Offices) (Transfer) Rules, 1962, and shall come into operation on the 23rd day of March, nineteen hundred and sixty-two.

Dated this 16th day of March, nineteen hundred and sixty-two.

John Peel,
Michael Noble,
Two of the Lords Commissioners of
Her Majesty's Treasury.

(a) 52 & 53 Vict. c. 63.

Rule 5 (1). **SCHEDULE**

FUNDS OUT OF WHICH THE REMUNERATION OF PUBLIC OFFICES IS PAID

Greenwich Hospital Fund.
Funds of the Crown Agents for Oversea Governments and Administrations.
Development Fund.
General Lighthouse Fund.
Forestry Fund.
Fund of the Electricity Commissioners.
Land Revenues managed by the Crown Estate Commissioners.
Revenues of the Government of Northern Ireland.
General Fund of the Church Commissioners.
Revenues of the Agricultural Research Council.
Revenues of the Nature Conservancy.

EXPLANATORY NOTE

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

Hitherto, if an officer transferred from an established post in the Civil Service to pensionable employment in any of the public offices specified in these Rules (or *vice versa*) and thereafter transferred to certain other pensionable employment, it has not been possible fully to preserve his pension rights in respect of the first of these employments. The effect of these Rules is to secure that, subject to the conditions laid down in the Rules, it will be possible to aggregate and make a single superannuation award in respect of his service throughout.

Under the powers of section 2 (5) of the Superannuation (Miscellaneous Provisions) Act, 1948, the Rules apply, subject to certain conditions, to persons who have transferred in this way before the coming into operation of the Rules.