STATUTORY INSTRUMENTS

1968 No. 841

PENSIONS

The Superannuation (Civil Service and Public Transport Services) Transfer Rules 1968

Made - - -	21*st May* 1968
Laid before Parliament	30*th May* 1968
Coming into Operation	31*st May* 1968

The Treasury, in exercise of the powers conferred on 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

1. These Rules may be cited as the Superannuation (Civil Service and Public Transport Services) Transfer Rules 1968, and shall come into operation on 31st May 1968.

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

" civil servant " has the meaning assigned to it by section 98(2) of the Superannuation Act 1965(b);

" unestablished capacity " has the meaning assigned to it by section 99(1) of the Superannuation Act 1965;

" the transport authority " means, in relation to a person engaged in transport employment, the authority or body responsible for the administration of the superannuation fund of which he is a member;

" transport employment " means, in relation to any person, employment in which he is a member of any superannuation fund mentioned in column 1 of the Schedule to these Rules.

(2) Except where the context otherwise requires, any reference in these Rules to a person ceasing to be a civil servant includes a reference to the death of a person who dies while he is a civil servant.

(3) 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, modified, applied, extended so re-enacted by any subsequent enactment, rules or regulations.

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

(a) 1948 c. 33. (b) 1965 c. 74. (c) 1889 c. 63.

PART II

TRANSFERS FROM TRANSPORT EMPLOYMENT TO THE CIVIL SERVICE

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

(*a*) becomes employed as a civil servant within twelve months after ceasing to be employed in transport employment or within such longer period thereafter as the Treasury may allow in any particular case; and

(*b*) has not become entitled to any pension or other benefit other than a return of contributions under the rules governing the superannuation fund administered by the transport authority; and

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

(2) This Part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed in transport employment or became employed as a civil servant before the coming into operation of these Rules:

Provided that—

(*a*) he did not cease to be employed in transport employment before the date specified for that employment in column 2 of the Schedule to these Rules; and

(*b*) he has not ceased to be employed as a civil servant before the date of the coming into operation of these Rules, or, if he has ceased to be so employed, he has again become, and still is on that date, employed in transport employment; and

(*c*) the transport authority consents.

4.—(1) If the Treasury receive from the transport authority a transfer value in respect of the service which a person to whom this Part of these Rules applies was entitled to reckon for the purposes of the superannuation fund administered by the transport authority, that person shall be entitled to reckon as service in the capacity of a civil servant for the purposes of the Superannuation Act 1965 such period of service as, having regard to his age and remuneration at the date on which he becomes or became employed as a civil servant, would, if he had ceased to be a civil servant on that date, have produced a transfer value equal to the transfer value received by the Treasury:

Provided that—

(*a*) where such a person became employed as a civil servant before the date of the coming into operation of these Rules no account shall be taken of that part of the transfer value which is in excess of the transfer value which would have been payable under the rules governing the superannuation fund administered by the transport authority at the date on which he became so employed;

(*b*) where such a person becomes employed as a civil servant more than twelve months after ceasing to be employed in transport employment, and at the date of becoming so employed he is employed in an unestablished capacity, regard shall be had to that person's age and remuneration at the date on which he became employed in an unestablished capacity, and no account shall be taken of that part of the

transfer value which is in excess of the transfer value which would have been payable under the rules governing the superannuation fund administered by the transport authority at the last mentioned date.

(2) Such period of service as is referred to in the foregoing paragraph shall be calculated by reference to the Tables set out in Schedule 1 to the Local Government Superannuation (Transfer Value) Regulations 1954(a), account being taken of any amount by which any pension for which he may become eligible under the Superannuation Act 1965 will be reduced in consequence of the National Insurance Act 1965(b).

(3) Where the period of service which a person is entitled to reckon under the preceding paragraphs as service in the capacity of a civil servant is less than the period of service which he was entitled to reckon for the purposes of the superannuation fund administered by the transport authority, a period of service equal to the difference between those periods shall, for the purpose only of the provisions of the Superannuation Act 1965 with respect to the minimum periods of service which qualify for the benefit of that Act, be treated as service in the capacity of a civil servant.

(4) Where for the purposes of the superannuation fund administered by the transport authority the service of a person to whom this Part of these Rules applies would have been treated as service solely for the purpose of determining whether any pension was payable to or in respect of him, that service shall, for the purpose only of the provisions of the Superannuation Act 1965 with respect to the minimum periods of service which qualify for the benefit of that Act, be treated as service in the capacity of a civil servant.

5. Where a person to whom this Part of these Rules applies ceases to be employed as a civil servant in circumstances which do not render him eligible for a superannuation allowance under the Superannuation Act 1965, 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 would have been payable to or in respect of him by way of a return of contributions and any interest thereon under the rules governing the superannuation fund administered by the transport authority; or

(*b*) such a sum as he may be eligible to receive or as may be paid in respect of him under the Superannuation Act 1965 by way of a short service gratuity or a death gratuity.

PART III

TRANSFERS FROM THE CIVIL SERVICE TO TRANSPORT EMPLOYMENT

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

(*a*) becomes employed in transport employment within twelve months after ceasing to be employed as a civil servant or within such longer period thereafter as the Treasury may allow in any particular case; and

(*b*) has obtained the consent of the Head of the Department in which he ceased to be employed to his employment in transport employment; and

(a) S.I. 1954/1212 (1954 II, p. 1723). (b) 1965 c. 51.

(*c*) has not become eligible for any pension or other benefit under the Superannuation Act 1965; and

(*d*) within three months after he becomes employed in transport employment or within six months after the date of the coming into operation of these Rules, whichever period last expires, or within such longer period as the Treasury may allow in any particular case, notifies the transport authority 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 in transport employment before the coming into operation of these Rules:

Provided that—

(*a*) in the case of a person who became employed in transport employment for which a date is specified in column 3 of the Schedule to these Rules, he became so employed not earlier than that date; and

(*b*) he has not ceased to be employed in transport employment before the date of the coming into operation of these Rules, or, if he has ceased to be so employed, he has again become, and still is on that date, employed as a civil servant; and

(*c*) the Treasury consent.

7.—(1) The Treasury may, upon these Rules becoming applicable to a person to whom this Part of these Rules applies, pay to the superannuation fund administered by the transport authority a transfer value calculated in accordance with paragraph (2) of this Rule in respect of such of his service as is reckonable for the purposes of the Superannuation Act 1965 as service in the capacity of a civil servant:

Provided that—

(*a*) where such a person ceased to be a civil servant more than twelve months before the date of the coming into operation of these Rules, the transfer value shall be calculated by reference to his age at that date;

(*b*) where such a person becomes employed in transport employment more than twelve months after ceasing to be a civil servant, the transfer value shall be calculated by reference to his age at the date on which he becomes so employed.

(2) The transfer value referred to in the foregoing paragraph shall be calculated in accordance with the Tables set out in Schedule 1 to the Local Government Superannuation (Transfer Value) Regulations 1954, account being taken of any amount by which any pension for which the person in respect of whom the transfer value is to be paid might have become eligible under the Superannuation Act 1965, if he had not ceased to be a civil servant, would have been reduced in consequence of the National Insurance Act 1965.

Joseph Harper,
Harry Gourlay,
Two of the Lords Commissioners of Her Majesty's Treasury.

21st May 1968.

SCHEDULE

TRANSPORT SUPERANNUATION FUNDS AND EARLIEST DATES FOR RETROSPECTIVE APPLICATION OF THESE RULES

Title of Superannuation Fund (1)	Earliest date for purpose of Rule 3(2)(*a*) (2)	Earliest date for purpose of Rule 6(2)(*a*) (3)
London and North Eastern Railway Superannuation Fund	1st June 1957	1st June 1957
London Midland and Scottish Railway Superannuation Fund	1st June 1957	—
Great Western Railway Superannuation Fund	1st June 1957	—
Southern Railway Superannuation Fund	1st June 1957	—
Railway Clearing System Superannuation Fund	4th March 1959	—
London Transport (Administrative and Supervisory) Staff Superannuation Fund	1st August 1954	1st August 1954
British Road Services (Salaried Staff) Group Superannuation Fund	1st April 1957	1st April 1957
Scottish Bus Group Pension Fund	1st April 1960	1st April 1960

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules provide for the aggregation of service and for a single superannuation award in cases where persons transfer from established service in the Civil Service to certain public transport services or vice versa. Where such a transfer is made, the person is enabled, subject to the payment of an appropriate transfer value, to reckon previous service for pension under the superannuation scheme to which he transfers.

Under the powers conferred by section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948, the Rules apply to persons who have transferred before the coming into operation of the Rules, subject to certain limitations set out in the Schedule.