EXPLANATORY NOTE

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

These Rules make provision with respect to the superannuation benefits payable to certain medical officers formerly employed as members of the Medical Board appointed under the Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931, and earlier schemes, who have become Civil Servants in the Ministry of National Insurance.

These officers are, subject to payment to the Treasury of a transfer value by the Trustees of the Medical Expenses Fund established under the Scheme, allowed to count one half of their past Silicosis Board employment as service for the purpose of Civil Service superannuation benefits, subject to a maximum credit of ten years.

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3. GOVERNORS OF DOMINIONS, ETC.

The Superannuation (Governors of Dominions, etc.) Rules, 1949

1949 No. 2114

Made - - - -	16*th November*, 1949
Laid before Parliament	17*th November*, 1949
Coming into Operation	18*th November*, 1949

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by subsection (1) of section 54 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 (Governors of Dominions, etc.) 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 18th day of November, 1949.

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

(*a*) "The Act" means the Superannuation Act, 1949.

(*b*) "Officer" means a person who, having been a civil servant, becomes a Governor, within the meaning of the Pensions (Governors of Dominions, etc.) Acts, 1911 to 1947.

(*c*) "Governor" has the meaning assigned to it by section 12 of the Pensions (Governors of Dominions, etc.) Act, 1911(**c**).

(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.

(**a**) 12, 13 & 14 Geo. 6. c. 44. (**b**) 52 & 53 Vict. c. 63. (**c**) 1 & 2 Geo. 5. c. 24.

3. Part I and Part II of the Act, except sections 7 and 20 of the Act, shall apply to officers to whom these Rules apply, subject to the adaptations and modifications specified in these Rules.

4. References in Part I and Part II of the Act (except in sections 7 and 20) to a person being, serving as, or ceasing to be, a civil servant shall, unless the context otherwise requires, be construed as references to him being, serving as, or ceasing to be a person to whom these Rules apply.

PART II

5. This part of these Rules shall apply to any officer who, at the time he became a Governor, was a person to whom Part I of the Act applied, or a nominator within the meaning of Part II of the Act.

6. An officer to whom this part of these Rules applies and who, on his retirement from the office of Governor, would become eligible for the grant of a pension under the provisions of section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929(**a**), shall elect within the three months next before the date of his retirement from the office of Governor, whether he desires to be pensioned under the provisions of section 1 and section 3 of the Pensions (Governors of Dominions, etc.) Act, 1911, or to receive a pension under section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929.

7. Where an officer has elected to be pensioned under the provisions of section 1 and section 3 of the Pensions (Governors of Dominions, etc.) Act, 1911,—

(*a*) for the purposes of calculating the annual rate of any widow's pension or children's pension payable in respect of him under Part I of the Act, or any dependants' pension payable in respect of him under Part II of the Act, the expression " the rate of the superannuation allowance of the deceased " in Part I of the Act, and the expression " the superannuation allowance of the nominator " in Part II of the Act, shall respectively be construed as meaning the annual rate of the superannuation allowance for which the officer 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 on his retirement from the office of Governor, under section 3 of the Pensions (Governors of Dominions, etc.) Act, 1911, in respect of his service as a civil servant, any abatement falling to be made under Regulations made under subsection (4) of section 69 of the National Insurance Act, 1946(**b**), being left out of account;

(*b*) for the purpose of calculating the contribution payable in respect of him under section 9 and section 22 of the Act, references therein to the average annual amount of the salary and emoluments of a civil servant's, or a nominator's office, shall be construed as references to the average annual amount of the salary and emoluments received by the officer during the last three years of his service as a civil servant, and references therein to reckonable service shall be construed as references to service which is reckonable for the purposes of section 3 of the Pensions (Governors of Dominions, etc.) Act, 1911.

(**a**) 19 & 20 Geo. 5. c. 16. (**b**) 9 & 10 Geo. 6. c. 67.

8. Where an officer has elected to receive a pension under section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929—

(*a*) for the purpose of calculating the amount of any widow's pension or children's pension payable in respect of him under Part I of the Act, or any dependants' pension payable in respect of him under Part II of the Act, the expression " the rate of the superannuation allowance of the deceased " in Part I of the Act, and the expression " the rate of the superannuation allowance of the nominator " in Part II of the Act, shall respectively be construed as meaning the annual rate of the superannuation allowance for which the officer had become eligible (whether such an allowance at that or at 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 section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929, any abatement falling to be made under Regulations made under subsection (4) of section 69 of the National Insurance Act, 1946, being left out of account;

(*b*) the contribution payable in respect of him under section 9 and section 22 of the Act shall be calculated as though the references in subsection (3) of section 9 and in subsection (3) of section 22 to the average annual amount of the salary and emoluments of the civil servant's, or of the nominator's office, during the last three years of his service were references to the annual amount of the salary and emoluments last received by him in respect of his employment as a civil servant.

9. Where an officer to whom this part of these Rules applies dies while still serving as a Governor without having made an election in accordance with Rule 6 hereof, the provisions of Rule 8 hereof shall apply to his case as if he had elected, before his death, to receive a pension under section 2 of the Pensions (Governors of Dominions, etc.) Act, 1929.

10. When an officer has made contributions under section 7 or section 20 of the Act before becoming employed as a Governor, none of those contributions shall be returned to him upon his ceasing to be employed as a civil servant in order to be appointed a Governor.

Part III

11. This part of these Rules shall apply to any officer who was serving as a Governor on the 14th day of July 1949 and who was, immediately before his appointment as Governor, employed as a civil servant.

12. Part I of the Act shall not apply to any officer to whom this part of these Rules applies unless he elects within the six months next following the commencement of these Rules, that the said Part I shall apply to him.

13. When an officer has elected that Part I of the Act shall apply to him, Rules 6, 7, 8, and 9 of these Rules shall also apply to him.

Dated this 16th day of November, 1949.

Joseph Henderson,
Richard Adams,
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.)

These Rules deal with the superannuation position of Civil Servants who become Governors of Colonies.

They provide that a Governor may elect whether his Service as Governor shall reckon for pension under the Superannuation Acts, or under the Pensions (Governors of Dominions, etc.) Act, 1911. In the former case his pension (and any pensions and contributions payable under the widows' or dependants' pension schemes) will be calculated as though he had remained a civil servant on the salary which he was receiving when appointed a Governor. In the latter case he will receive separate pensions in respect of his periods of Civil Service, and of service as a Governor, the pension under the Superannuation Acts (and any pensions and contributions payable under the widows' or dependants' pension schemes) being caloulated as though he had retired when he was appointed a Governor.

Rule 9 provides that where a Governor dies in service before exercising his option, the pension to his widow shall be calculated as though he had elected to have his service as Governor reckoned for pension under the Superannuation Acts.

Part III of the Rules provides that an ex-Civil Servant who is serving as a Governor when the Rules come into force may have the option conferred on existing civil servants by the Superannuation Act 1949 not to become a participant in the widows' pension scheme.

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4. LOCAL GOVERNMENT SUPERANNUATION

[Modification of Local Government Superannuation Schemes by virtue of National Insurance Act, 1946 (9-10 G. 6. c. 67), *see* NATIONAL INSURANCE, p. 2750 above.]

(1) *General.*
(2) *Break of Service*, p. 3054.
(3) *Interchange Rules*, p. 3056.
(4) *National Service*, p. 3105.
(5) *Transfer Value*, p. 3111.
(6) *War Service*, p. 3114.

(1) GENERAL

The Local Government Superannuation (England and Scotland) (Amendment) Regulations, 1949

1949 No. 631

Made - - - -	30*th March*, 1949
Laid before Parliament	31*st March*, 1949
Coming into Operation	1*st April*, 1949

M.H. 109039.

The Minister of Health and the Secretary of State, acting jointly in exercise of the powers conferred on them by section 38 of the Local Government