STATUTORY INSTRUMENTS

1970 No. 1331

PENSIONS

The Superannuation (Hovercraft Development Limited and Civil Service) Transfer Rules 1970

Made - - -	*7th September* 1970
Laid before Parliament	*16th September* 1970
Coming into Operation	*17th September* 1970

The Minister for the Civil Service, in exercise of the powers conferred on him by section 33 of the Superannuation Act 1965(**a**) and article 2(1)(*c*) of the Minister for the Civil Service Order 1968(**b**), and of all other powers enabling him in that behalf, hereby makes the following Rules :—

1. These Rules may be cited as the Superannuation (Hovercraft Development Limited and Civil Service) Transfer Rules 1970, and shall come into operation on 17th September 1970.

2.—(1) In these Rules—

"the N.R.D.C. pension scheme" means the Pension and Life Assurance Schemes for Subsidiary Companies of the National Research Development Corporation ;

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

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

3.—(1) Where a person was taken into the civil service of the State on 1st October 1967 as an officer of the Ministry of Technology after having been employed by Hovercraft Development Limited, and his employment by Hovercraft Development Limited was, in the opinion of the Minister for the Civil Service, of the same nature and for the same purpose as his employment in the civil service of the State, his service in employment by Hovercraft Development Limited, not being service before he attained the age of 18 years, shall be reckoned for the purposes of the Superannuation Acts 1965 and 1967(**d**) as employment in an unestablished capacity.

(2) Where a person to whom the last foregoing paragraph applies was, before he was taken into the civil service of the State, a contributor to the N.R.D.C. pension scheme, and he has received a payment by way of return of contributions under that scheme, it shall be a condition of the making of any payment under the Superannuation Acts 1965 and 1967 in respect of that person's service, so far as that payment is dependent on the provisions of the last foregoing paragraph, that there has been paid into the Consolidated Fund, not later than the expiration of three months after his ceasing to be a member of the N.R.D.C. pension scheme, or after the coming into operation

(**a**) 1965 c. 74.
(**b**) S.I. 1968/1656 (1968 III, p. 4485).
(**c**) 1889 c. 63.
(**d**) 1965 c. 74; 1967 c. 28.

of these Rules, whichever is the later, or within such longer period as the Minister for the Civil Service may allow in any particular case—

(*a*) a sum equal to so much of the amount paid to him by way of return of contributions as is attributable to his service with Hovercraft Development Limited, together with compound interest thereon calculated from the date on which he received the payment at the rate of 3 per cent. per annum with yearly rests ; and

(*b*) a sum equal to the amount refunded by the trustees of the N.R.D.C. pension scheme in respect of the contributions paid in his case by Hovercraft Development Limited under that scheme.

(3) Where a person to whom paragraph (1) of this Rule applies was, before he was taken into the civil service of the State, a contributor to the N.R.D.C. pension scheme, and on ceasing to be a contributor to that scheme he did not cease to be eligible for benefits under the scheme (other than a return of contributions), it shall be a condition of the making of any payment under the Superannuation Acts 1965 and 1967 in respect of that person's service, so far as that payment is dependent on the provisions of paragraph (1) of this Rule, that, not later than the expiration of three months after his ceasing to be a contributor to the N.R.D.C. pension scheme, or after the coming into operation of these Rules, whichever is the later, or within such longer period as the Minister for the Civil Service may allow in any particular case, he has surrendered his right to receive any benefits under the N.R.D.C. pension scheme, so far as they are attributable to his service with Hovercraft Development Limited, and there has been paid into the Consolidated Fund a sum which, in the opinion of the Minister for the Civil Service, is equivalent to the actuarial value, at the date of the payment, of the said benefits, so far as they are attributable to his service with Hovercraft Development Limited, less any amount which may become payable by way of income tax in respect of the sum so paid.

Given under the official seal of the Minister for the Civil Service on 7th September 1970.

(L.S.)

K. H. McNeill,
Authorised by the Minister for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide for the reckoning for pension purposes of service of persons who were taken into the civil service on 1st October 1967 as officers of the Ministry of Technology after being employed by Hovercraft Development Limited, a subsidiary of the National Research Development Corporation. Subject to the conditions set out in the Rules, service (after the age of 18) with Hovercraft Development Limited is to be reckoned as unestablished service for the purposes of the Superannuation Acts 1965 and 1967.

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