EXPLANATORY NOTE

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

Section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948, empowers the Secretary of State and section 15 contains further enabling powers in that behalf, to make rules with respect to the pensions payable to and in respect of persons changing pensionable service under local government superannuation schemes for other pensionable employments specified in the rules, and vice versa.

These rules provide accordingly that—

(*a*) if a pensionable employee under a local government superannuation scheme transfers within a prescribed period (generally twelve months) to pensionable employment under a public or local authority in the Isle of Man, a transfer value of an appropriate amount shall be payable to the Isle of Man authority out of the superannuation fund to which he was a contributor; and

(*b*) if a pensionable employee of an Isle of Man authority transfers within the prescribed period to pensionable employment under a local government superannuation scheme, and the Isle of Man authority pay an appropriate transfer value the transferee is to be entitled to reckon his Isle of Man service for the purposes of the local government superannuation scheme to which he has become subject.

In the case mentioned at (*a*) above, the Isle of Man authorities have made the necessary provision for securing that the Scottish pensionable service will be reckonable for pension purposes under the Isle of Man pension scheme to which a person transferring to pensionable employment there becomes subject.

These rules thus make pensionable employments in the local government service interchangeable with pensionable employments in the Isle of Man under public and local authorities, with the preservation of superannuation rights in respect of previous pensionable service.

The rules are made retrospective in effect to a limited extent, under the express powers of section 2 of the Act of 1948, but, as thereby required, transferees and local authorities affected by the retrospective provisions of the rules are given an opportunity of electing that these provisions shall not apply.

The Superannuation (Local Government Staffs) (National Service) (Amendment) Rules, 1951

1951 No. 2145

Made - - - -	*5th December,* 1951
Laid before Parliament	*7th December,* 1951
Coming into Operation	*17th December,* 1951

H.L.G. 1352

The Minister of Housing and Local Government, in exercise of the powers conferred by section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), as extended by section 41 of the Reserve and Auxiliary Forces

(a) 11 & 12 Geo. 6. c. 33.

(Protection of Civil Interests) Act, 1951(a), and of all other powers enabling him in that behalf, hereby makes the following rules :—

1.—(1) These rules may be cited as the Superannuation (Local Government Staffs) (National Service) (Amendment) Rules, 1951, and shall come into operation on the seventeenth day of December, 1951, but shall have effect and be deemed always to have had effect as from the fifteenth day of July, 1950.

(2) These rules and the Superannuation (Local Government Staffs) (National Service) Rules, 1949(b), shall be construed as one, and may be cited together as the Superannuation (Local Government Staffs) (National Service) Rules, 1949 and 1951.

(3) The Interpretation Act, 1889(c), applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

(4) In these rules, the expression " rule " means rule contained in the Superannuation (Local Government Staffs) (National Service) Rules, 1949.

2. In rule 1, in paragraph 2 thereof—

(*a*) in the definition of " national service " there shall be inserted after the words " the Superannuation (Miscellaneous Provisions) Act, 1948 " the words " as amended by section 41 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or service of a description specified in the First Schedule to that Act other than compulsory national service as in that Act defined ", and the word " compulsory " where it last occurs shall be deleted ; and

(*b*) the following definition shall be added :—

" ' national service pay ', in relation to the remuneration to which any person would have been entitled if he had continued in any former employment during the period of his national service, means his pay (including marriage, family and other similar allowances) in respect of his national service or, in the case of a person who immediately before he entered upon national service was employed not only in that employment but also in any other employment or employments in relation to which it is necessary to ascertain his pay in respect of his national service, an amount which bears the same proportion to his pay (including marriage, family and other similar allowances) in respect of his national service as the remuneration to which he would have been entitled if he had continued in the first mentioned employment bears to the total remuneration to which he would have been entitled if he had continued in both or all such employments as aforesaid."

3. In rule 4, the following provisions shall be added :—

" ; or

(*c*) require the payment of contributions by a person (other than a person who became engaged in compulsory national service as defined in the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951) in respect of any period of national service if his national service pay in respect of that period, together with any sum which the authority or body by whom he was formerly employed may resolve to pay to or in respect of him in supplementation of that national service pay, is less than the remuneration to which he would have been entitled in respect of that period if he had continued in his former employment, after the deduction therefrom of an amount equivalent to the contributions which he would in that event have been liable to make thereon ; or

(a) 14 & 15 Geo. 6. c. 65. (b) S.I. 1949 (No. 545) I, p. 3105. (c) 52 & 53 Vict. c. 63.

(*d*) in the case of any person (other than a person who became engaged in such compulsory national service as aforesaid) whose national service pay in respect of any period of national service, together with any such sum as aforesaid in respect of that period, is less than such remuneration as aforesaid but is greater than such remuneration as aforesaid after such deduction as aforesaid, require contributions to be made by that person in respect of that period exceeding the difference in respect of that period between his national service pay, together with any such sum as aforesaid, and the amount of such remuneration as aforesaid, after such deduction as aforesaid."

4. A new rule 4A shall be inserted after rule 4 in the following terms—

"4A. Where by virtue of proviso (*c*) or (*d*) to the last preceding rule, a person is not required in respect of any period of national service to make the contributions, or to make the full amount of the contributions, which he would have been liable to make apart from the said proviso, the authority or body by whom he was formerly employed shall pay in respect of him to the superannuation fund to which he was a contributor in respect of his former employment a sum sufficient to make up any deficit of contributions to the full amount which he would have been liable to contribute to that fund had he continued in his former employment, and that authority or body shall also pay to that fund any contribution which in that event they would have been liable to pay thereto:

Provided that for the purpose of any provision of the Act of 1937 or any local Act scheme relating to the return of contributions on a person ceasing to be employed or dying any payments made under this rule shall be disregarded."

Given under the official seal of the Minister of Housing and Local Government this fifth day of December, nineteen hundred and fifty-one.

(L.S.) *Harold Macmillan,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

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

These rules amend the Superannuation (Local Government Staffs) (National Service) Rules, 1949, in consequence of the passing of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and are given retrospective effect to a limited extent under the express powers of section 44 of that Act.

Rule 2 extends the existing definition of national service to include service of a description specified in paragraph 1, 2, 3, 4 or 7 of the Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and is designed thus to make that service pensionable under the rules of 1949. The rule also amends the definition so as to make it embrace certain classes of conscientious objector not technically covered by the existing definition, and adds a definition of national service pay to the rules of 1949.

Rule 3 excepts from the requirement to make contributions for pension purposes certain persons whose service in the Armed Forces is by the rules made national service within the meaning of the extended definition, and limits the requirement in certain other cases.

Rule 4 regulates the liability of the authority or body by whom a person on national service was formerly employed to make payments to the appropriate superannuation fund.