CHAPTER 33.

An Act to amend the law relating to pensions and other similar payments to be made to and in respect of persons who have been in certain employment, and for purposes connected with the matters aforesaid.

[28th May 1948.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Treatment of compulsory national service for pension purposes.

1.—(1) Where a person, immediately before he enters upon compulsory national service, either—

(*a*) is a civil servant or serving the State in an unestablished capacity ; or

(*b*) is an employee of a local authority or is in any other employment by virtue of which he is for the time being entitled to participate in the benefits of a superannuation fund maintained under Part I of the Local Government Superannuation Act, 1937, or under Part I of the Local Government Superannuation (Scotland) Act, 1937, or under a local Act scheme ; or

1 Edw. 8 & 1 Geo. 6. c. 68.
1 Edw. 8 & 1 Geo. 6. c. 69.

(*c*) is employed in contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1946, or is so circumstanced that he is treated for any of the purposes of those Acts as engaged in a period of contributory service ; or

(*d*) is employed in service as defined in the Scottish Teachers Superannuation Scheme, or is so circumstanced that he is treated for any of the purposes of that Scheme as engaged in a period of service,

rules made under this section may provide that the period of his compulsory national service and such further period, if any, after the termination thereof as may be specified in the rules, shall be treated for the purposes of the Superannuation Acts, 1834 to 1946, as service as a civil servant or to the State in an unestablished capacity, for the purposes of the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937, as contributing or non-contributing service, for the purposes of any local Act scheme as service for the purposes of that scheme, for the purposes of the Teachers (Superannuation) Acts, 1918 to 1946, or any scheme made thereunder as contributory service or approved external service, or for the purposes of the Scottish Teachers Superannuation Scheme as a period of service as defined in that Scheme or a period during which he is so circumstanced that he is treated for any of the purposes of that Scheme as engaged in a period of service, as the case may be.

(2) Where a person who has been successful in a competitive examination for persons desiring to obtain posts in the permanent civil service of the State enters upon compulsory national service before becoming a civil servant, and that examination, or any subsequent examination for persons desiring to obtain similar posts, was one in which persons below the age of eighteen years were allowed to compete, then, where rules made under this section so provide, so much of the period of his compulsory national service as falls after the date on which the Civil Service Commissioners issue their certificate of qualification in relation to him, and such further period, if any, after the termination of his compulsory national service as may be specified in the rules, shall be treated for the purposes of the Superannuation Acts, 1834 to 1946, as service as a civil servant.

(3) Rules under this section shall, in relation to the Superannuation Acts, 1834 to 1946, be made by the Treasury, in relation to the Local Government Superannuation Act, 1937, and local Act schemes in England and Wales, be made by the Minister of Health, in relation to the Local Government Superannuation (Scotland) Act, 1937, and local Act schemes in Scotland, be made by the Secretary of State, in relation to the Teachers (Superannuation) Acts, 1918 to 1946, and schemes made thereunder, be made by the Minister of Education with the consent of the Treasury, and in relation to the Scottish Teachers Superannuation Scheme, be made by the Secretary of State with the like consent, and any such rules may require the payment of contributions or transfer values, and, where the rules are made by or with the consent of the Treasury, may provide for the payment into the Exchequer or out of moneys provided by Parliament or into or out of the Education (Scotland) Fund of any sums payment of which is required or authorised by the rules.

(4) Rules made under this section with respect to the persons referred to in paragraph (*a*) of subsection (1) of this section may be so framed as to apply, and to be deemed always to have applied, in relation to any person who entered upon his compulsory national service at any time after the beginning of July, nineteen hundred and forty-seven; and rules made under this section with respect to the persons referred to in subsection (2) of this section may be so framed as to apply, and to be deemed always to have applied, in relation to any person who entered upon his compulsory national service at any time after the beginning of the year nineteen hundred and forty-six.

(5) Rules made under this section shall not apply in relation to any of the persons mentioned in paragraphs (*b*), (*c*) and (*d*) of subsection (1) of this section unless their compulsory national service commences, in the case of persons mentioned in the said paragraph (*b*), after the expiration of the present emergency as defined for the purposes of the Local Government Staffs (War Service) Act, 1939, in the case of the persons mentioned in the said paragraph (*c*), after the expiration of the present emergency as defined for the purposes of the Teachers Superannuation (War Service) Act, 1939 and, in the case of the persons mentioned in the said paragraph (*d*), after the expiration of the present emergency as defined for the purposes of the Education (Scotland) (War Service Superannuation) Act, 1939; but the said Acts shall be amended in accordance with the provisions of Parts I, II and III respectively of the Schedule to this Act and, to the extent specified in those Parts of that Schedule, shall be deemed always to have had effect as so amended.

2 & 3 Geo. 6. c. 94.
2 & 3 Geo. 6. c. 95.
2 & 3 Geo. 6. c. 96.

(6) The provisions of the Superannuation Schemes (War Service) Act, 1940, shall apply in relation to persons who cease to follow their employment after the period of the present emergency (as defined in the said Act) in order to undertake compulsory national service as they apply in relation to persons who cease to follow their employment during the period of the present emergency (as so defined) in order to undertake service in any of the naval, military or air forces of the Crown.

3 & 4 Geo. 6. c. 26.

(7) In this section, the expression "compulsory national service" means service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Acts, 1939 to 1947, or work or training in pursuance of an order of a tribunal under section five of the National Service (Armed Forces) Act, 1939 (which relates to conscientious objectors).

2 & 3 Geo. 6. c. 81.

Pensions of persons transferring to different employment.

2.—(1) Where persons who have been employed in one employment become employed in another employment and either—

(*a*) one of the employments is, and the other employment is not, an employment of one of the classes specified in subsection (2) of this section; or

(*b*) one of those employments is of one of those classes and the other employment is of another of those classes,

rules may be made with respect to the pensions payable to and in respect of those persons by the appropriate Minister, or, as the case may be, the appropriate Ministers acting jointly:

Provided that this subsection shall not apply unless either—

(i) both employments are pensionable employments; or

(ii) the first employment is of one of the classes specified in paragraphs (*c*) and (*d*) of subsection (2) of this section and the second employment is of such a nature as may be specified in rules to be made by the Minister of Health, or, in relation to Scotland, by the Secretary of State, and is undertaken with the approval of the local authority by which the superannuation fund concerned is maintained.

(2) The classes of employment referred to in subsection (1) of this section are the following, that is to say—

(*a*) employment as a civil servant; and

(*b*) employment as a member of the metropolitan police staff; and

(*c*) employment by virtue of which the person employed is or is deemed to be, or, but for any rules made under this section, would be or be deemed to be, a contributory employee or local Act contributor within the meaning of the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937; and

(*d*) employment (not being such employment as is specified in paragraph (*c*) of this subsection) by virtue of which the person employed is entitled to participate in any of the benefits of a superannuation fund maintained under a local Act scheme in England or Wales; and

(*e*) employment in contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1946, or in service as defined in the Scottish Teachers Superannuation Scheme.

(3) Where either of the employments in question falls within one of the classes specified in subsection (2) of this section, the appropriate Minister, or, as the case may be, one of the appropriate Ministers, for the purposes of subsection (1) of this section shall be—

(i) in relation to the class specified in paragraph (*a*) of the said subsection (2), the Treasury;

(ii) in relation to the class specified in paragraph (*b*) of the said subsection (2), the Secretary of State;

(iii) in relation to the class specified in paragraph (*c*) of the said subsection (2), the Minister of Health or the Secretary of State;

(iv) in relation to the class specified in paragraph (*d*) of the said subsection (2), the Minister of Health;

(v) in relation to the class specified in paragraph (*e*) of the said subsection (2), the Minister of Education or the Secretary of State, acting in either case with the consent of the Treasury,

and the said subsection (1) shall be construed accordingly.

(4) Rules made under this section may require the making of the following payments, that is to say—

(*a*) where the person who changes his employment has received any payment in respect of his pension rights upon ceasing to be employed in his former employment, payments by that person equal to all or any of the amounts so received;

(*b*) where either of the employments is such an employment as is mentioned in paragraph (*a*) of subsection (2) of this section, payments out of moneys provided by Parliament;

(*c*) where either of the employments is such an employment as is mentioned in paragraph (*b*) of the said subsection (2), payments out of the Metropolitan Police Fund;

(*d*) where either of the employments is such an employment as is mentioned in paragraph (*e*) of the said subsection (2), payments out of moneys provided by Parliament or out of the Education (Scotland) Fund; and

(*e*) where either of the said employments is such an employment as is mentioned in paragraph (*c*) or paragraph (*d*) of the said subsection (2), payments by a local authority or out of a superannuation fund maintained by a local authority,

and may provide for any of the said payments, or any payments made in connection with the change of employment otherwise than by virtue of the rules, being made into the Exchequer, into the Metropolitan Police Fund, into the Education (Scotland) Fund, to a local authority or into a superannuation fund maintained by a local authority; and the payments mentioned in paragraphs (*b*), (*c*), (*d*) and (*e*) of this subsection may include repayments of contributions, payments of transfer values, payments towards the burden of a pension payable by another person or out of another pension fund, and payments of premiums or other payments directed to the creation or preservation of pension rights of the person in question.

(5) Any rules under this section may be so framed as to apply to persons ceasing to be employed in one employment and becoming employed in another notwithstanding that the cessation of the first employment or the commencement of the second employment was before the date of the making of the rules

or before the date of the passing of this Act, and may vary or provide for the variation of pensions notwithstanding that the pensions have been granted before either of the said dates:

Provided that, subject to the provisions of subsection (7) of this section, no rules shall be framed so as to apply when the cessation of the first employment took place before the making of the rules unless—

(*a*) the rules are only to apply with the consent of the person ceasing to be employed or that person is by the rules given an opportunity to elect that they shall not apply to him; and

(*b*) where the rules provide for payment by a local authority or out of a superannuation fund maintained by a local authority, that authority has consented to the making of the rules or the rules are only to apply with the consent of that authority or that authority is by the rules given an opportunity to elect that they shall not apply.

25 & 26 Geo. 5. c. 23.

(6) Section nine of the Superannuation Act, 1935, shall cease to have effect, but any rules made thereunder shall be treated as if they were rules duly made by the appropriate Minister or Ministers under the preceding provisions of this section.

(7) Paragraph (*b*) of the proviso to subsection (5) of this section shall not apply to any rules in so far as they vary any rules made under the said section nine or under section fifty-one of the Unemployment Act, 1934.

24 & 25 Geo. 5. c. 29.

(8) Rules made under this section may provide that, in the application of the rules to Scotland, for the purposes of paragraph (*d*) of subsection (2) of section sixty-nine and of subsection (4) of section seventy of the Education (Scotland) Act, 1946, sums paid out of moneys provided by Parliament and sums paid into the Exchequer in pursuance of such rules in respect of employment in contributory or recognised service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1946, shall be respectively deemed to be sums spent on the superannuation of teachers under those Acts and to be sums received in respect of contributions paid by teachers and employers in England and Wales thereunder.

9 & 10 Geo. 6. c. 72.

Former employees of Approved Societies, etc., becoming civil servants.

3.—(1) Rules to be made by the Minister of National Insurance with the consent of the Treasury may make provision with respect to the pensions payable to and in respect of persons who have been employed full time—

(*a*) by an Approved Society; or

(*b*) by some other body (including a body of which the Society is a branch or section) administering the affairs of an Approved Society; or

(*c*) by a body administering a special scheme under section seventy-three of the Unemployment Insurance Act, 1935, 25 & 26 Geo. 5 c. 8.

and, whether before or after the passing of this Act but before such date as may be specified in the rules, become civil servants.

(2) Any such rules may include provisions—

(*a*) authorising or requiring persons who have received payments in respect of their pension rights to pay all or any of the amounts received into the Exchequer; or

(*b*) continuing, amending, repealing or revoking any pension scheme under which the persons to whom the rules apply have pension rights and any statutory provisions relating thereto and any trust deed, rules or other instrument made for the purposes thereof, and providing for the transfer in whole or in part of any pension funds or assets held for the purposes of, or any liabilities under, any such scheme, or for the winding up of any such scheme or the extinguishment of any such liabilities; or

(*c*) dealing in such manner as may appear appropriate with cases in which, in connection with any provision made by this Act or by the National Insurance Act, 1946, or in anticipation of the making of any such provision, pension rights have been created otherwise than in the ordinary course. 9 & 10 Geo. 6. c. 67.

(3) Where the persons having pension rights under any pension scheme or interested in any pension fund include both such persons as are mentioned in subsection (1) of this section and other persons in respect of whom the following conditions are fulfilled, that is to say—

(*a*) that they have been employed full time by any such society or body as is mentioned in subsection (1) of this section; and

(*b*) that they have lost that employment; and

(*c*) that the loss of employment is directly attributable to the passing of the National Insurance Act, 1946, or the making of any regulations thereunder,

the rules to be made under this section may apply in relation to pensions payable to and in respect of those other persons as if they were persons such as are mentioned in the said subsection (1), and may provide for payments out of moneys provided by Parliament in respect of the pension rights of those other persons, so, however, that nothing in this subsection shall be construed as requiring identical provision to be made in relation to persons who fall, and persons who do not fall, within the said subsection (1).

(4) The provisions of this section shall have effect in relation to any persons notwithstanding that provision could be made in relation to those persons under any other provision of this Act, and nothing in any such other provision shall be construed as limiting the powers exercisable under this section.

Special provision as to certain other transfers to the service of the State.

4.—(1) Rules to be made by the Treasury under this subsection may make provision with respect to the pensions payable to and in respect of the following persons, namely—

(*a*) persons who, having been employed in one or more of the following employments, that is to say—

(i) as officers or servants of a local authority in service all or any part of which was not pensionable employment; or

(ii) in any other employment service in which was not then pensionable but was service in respect of which those persons would, if they had continued in that employment, have become entitled to participate in the benefits of a superannuation fund maintained under Part I of the Local Government Superannuation Act, 1937, or Part I of the Local Government Superannuation (Scotland) Act, 1937, or under a local Act scheme,

left any such employment, before such date before the passing of this Act as may be specified in the rules, in order to become civil servants in the department of the Assistance Board; and

(*b*) persons who, having been employed by the Safety in Mines Research Board, or by a War Agricultural Executive Committee, become, whether before or after the passing of this Act but before such date as may be specified in the rules, civil servants or persons employed in service to the State in an unestablished capacity; and

(*c*) persons who, having been employed in the body which, at the time when it ceased to exist, was known as "K." Signals Company of the Royal Corps of Signals, became, before such date before the passing of this Act as may be specified in the rules, civil servants employed in the Post Office; and

(*d*) persons who, having been employed by the body known as the Meteorological Committee, became at any time before the passing of this Act civil servants in the Meteorological Office of the Secretary of State, not being civil servants subject to a superannuation scheme to which section five of the Superannuation Act, 1946

(which relates to the application to persons employed in the civil service of the State of certain superannuation schemes) applies,

and any such rules may provide for service in any such employment as aforesaid being reckoned, in such manner and to such extent as may be specified in the rules, as service to the State for the purposes of the Superannuation Acts, 1834 to 1946.

(2) Rules made under the preceding subsection may, in relation to persons of the class specified in paragraph (*a*) of the preceding subsection who—

(*a*) at any time before the coming into force of the rules, whether before or after they became civil servants, and whether by reason of their becoming civil servants or for any other reason, received any payment by way of a return of contributions under any enactment, including any scheme made thereunder or in pursuance thereof, relating to the superannuation of officers and servants of local authorities, being contributions in respect of a period of service as an officer or servant of a local authority which was pensionable employment; and

(*b*) in the case of such payments received before their appointment to be civil servants, did not, before their said appointment, refund the contributions so returned to them,

include provisions requiring those persons to pay into the Exchequer amounts equal to the whole or any part of the contributions so returned to them as a condition of their service as officers or servants of a local authority as aforesaid being reckoned, to the extent specified in the rules, as service to the State for the purposes of the Superannuation Acts, 1834 to 1946.

(3) Rules to be made by the Treasury under this subsection may make provision to secure that benefits corresponding as nearly as may be to the benefits conferred under subsection (1) of this section on or in respect of the persons specified in paragraph (*d*) of that subsection are conferred on or in respect of persons who, having been employed by the aforesaid Meteorological Committee, were at any time before the passing of this Act employed in the civil service of the State in the aforesaid Meteorological Office and became, and thereafter remained, subject to a superannuation scheme to which section five of the Superannuation Act, 1946, applies. 9 & 10 Geo. 6. c. 60.

Pensions in respect of service to His Majesty in India.

5.—(1) This section shall apply to any pension payable in respect of service to His Majesty out of the revenues of India or Pakistan to any person resident in the United Kingdom, or, where the pension is expressed in sterling, in any other place

outside India and Pakistan, being service, whether by the recipient of the pension or some other person, either—

(*a*) in a civil capacity; or

(*b*) by virtue of which the recipient of the pension has pension rights in relation to any of the following funds, that is to say, the Bengal Military Fund and Orphans Society, the Bombay Military Fund, the Madras Military Fund, the Madras Medical Fund, or the Indian Navy Fund,

and being in either case service which ended before the fifteenth day of August nineteen hundred and forty-seven, or the termination of which is attributable to the passing of the Indian Independence Act, 1947.

(2) Rules to be made by the Treasury may make provision for any pension to which this section applies being increased, in respect of any period, whether falling before or after the passing of this Act, beginning on or after the first day of December, nineteen hundred and forty-six, by a like amount to that by which it would have been increased by virtue of the Pensions (Increase) Act, 1947, if it were such a pension as is specified in the First Schedule to the Pensions (Increase) Act, 1944, which had been increased in accordance with the provisions of the last mentioned Act as originally enacted.

10 & 11 Geo. 6. c. 7.

7 & 8 Geo. 6. c. 21.

(3) Any such rules may provide for the method of calculation of any increase and as to the manner in which the increase is to be paid, and may provide for any increase under the rules to be defrayed out of moneys provided by Parliament.

Special provisions as to local government superannuation schemes during periods of emergency.

6.—(1) If at any time it appears to the Minister of Health to be expedient in the national interest to encourage the taking of action for either of the following purposes (hereinafter in this section referred to as "emergency purposes"), that is to say, for the purpose of temporarily reducing expenditure or for the purpose of making persons engaged in employment by virtue of which they are contributory employees or local Act contributors under a local authority available for other employment, he may direct that such period as may be specified by him in the direction shall be treated as a period of emergency for the purposes of this section, and any period so specified is hereafter in this section referred to as "the period of emergency."

(2) The subsequent provisions of this section shall have effect in relation to any person (hereafter in this section referred to as "a person to whom this section applies") in relation to whom the following conditions are fulfilled, that is to say—

(*a*) that, having been engaged in employment by virtue of which he is a contributory employee or local Act contributor under a local authority, he ceases at any time during the period of emergency to be so employed; and

(*b*) that the local authority under whom he was such an employee or contributor certifies that the cessation of his employment is due to action taken for emergency purposes; and

(*c*) that he has not at any time since ceasing to be so employed made a claim under section ten of the Local Government Superannuation Act, 1937, or under any corresponding provision of a local Act scheme, for the return of contributions made by him for superannuation purposes:

Provided that where in any particular case the local authority refuse to certify as aforesaid, the person concerned may appeal to the Minister of Health, and the Minister of Health, if he thinks fit, may grant such a certificate, and the like consequences shall in that case ensue as if the certificate had been granted by the local authority.

(3) The following provisions of the Local Government Superannuation Act, 1937, that is to say—

(*a*) subsection (7) of section ten (which provides that, unless a claim is made, an administering authority shall not be under an obligation to make payments by way of a return of contributions until the expiration of one year from the date of the cessation of employment);

(*b*) section thirteen (which relates to the reckoning of service of a contributory employee or local Act contributor under a local authority who ceases to be employed by that authority but within twelve months after so ceasing becomes a contributory employee under another local authority, or of a contributory employee under a local authority who ceases to be employed by them but within twelve months after so ceasing again becomes such an employee under them);

(*c*) subsection (1) of section twenty-nine (which relates to the payment of transfer values in respect of a contributory employee or local Act contributor under a local authority who ceases to be employed by them but within twelve months after so ceasing becomes such an employee or contributor under another local authority); and

(*d*) the definition of "disqualifying break of service" in subsection (1) of section forty,

and any corresponding provision of a local Act scheme, shall have effect as if for any reference (however expressed) to a period of twelve months from the date of cessation of employment there were substituted, in relation to a person to whom this

section applies, a reference to a period of five years from the date of cessation of employment, or such longer period as the Minister of Health may, in any particular case, allow.

(4) Where at any time during the relevant period under the last preceding subsection, and without having again become a contributory employee or local Act contributor, a person to whom this section applies—

(*a*) is sixty or more years of age and either has, or, if he had not ceased to be such an employee or contributor, would have, completed forty years' service; or

(*b*) attains the age of sixty-five years and, if he had not ceased as aforesaid, would, on attaining that age, have completed ten years' service,

he may apply to the local authority under whom he was last such an employee or contributor, and if that authority are satisfied that the provisions of this subsection are applicable in his case, he shall, notwithstanding that he had not at the date when he ceased to be such an employee or contributor attained the required age or completed the required service, be deemed to have become entitled to receive a superannuation allowance upon ceasing to be a contributory employee or local Act contributor under that authority, and the Local Government Superannuation Act, 1937, or the local Act scheme shall have effect, and any benefits to or in respect of him shall be payable, accordingly:

Provided that no payment shall be made in respect of the period between the date when he ceased to be a contributory employee or local Act contributor and the date of his application under this subsection.

(5) Where a person to whom this section applies has, before the expiration of the relevant period under subsection (3) of this section, again become a contributory employee or local Act contributor under a local authority, then if—

(*a*) any event occurs by virtue of which a pension would but for the fact that he has not completed a specified number of years service, be payable to or in respect of him under the Local Government Superannuation Act, 1937, or the local Act scheme; and

(*b*) he would, if he had not ceased to be such an employee or contributor owing to action taken for emergency purposes, have completed the aforesaid service by the date of the happening of the event,

a pension shall, notwithstanding the fact that he has not completed the aforesaid service, be deemed to be payable to or in respect of him on the happening of the said event and the said Act or scheme shall have effect accordingly.

(6) In its application to Scotland, this section shall have effect as if for references to the Local Government Superannuation Act, 1937, and to, or to any subsections of, sections ten, thirteen, twenty-nine and forty thereof there were respectively substituted references to the Local Government Superannuation (Scotland) Act, 1937, and to, or to those subsections of, sections ten, thirteen, twenty-four and thirty-four thereof, and as if for references to the Minister of Health there were substituted references to the Secretary of State.

Power to extend Local Government Superannuation Act, 1937 or Local Government Superannuation (Scotland) Act, 1937 to employees of certain associations.

7.—(1) If any body, being either—

(*a*) a body representative of local authorities ; or

(*b*) a body representative of local authorities and officers of local authorities ; or

(*c*) a body representative of officers of local authorities formed for the purpose of consultation as to the common interests of those authorities and the discussion of matters relating to local government,

makes application for the purpose to a local authority who are for the time being required to maintain a superannuation fund under Part I of the Local Government Superannuation Act, 1937, or under Part I of the Local Government Superannuation (Scotland) Act, 1937, the authority may, on such terms and conditions as they think fit, and with the approval of the Minister of Health, or, as the case may be, the Secretary of State, admit any employee of that body to participate in the benefits of the fund, and in that event the said Act shall have effect in relation to the body and any employee so admitted as if the body were a local authority and the employee were a contributory employee, and the body shall have all such powers as may be necessary for the purpose of giving effect to the terms and conditions approved by the Minister of Health or the Secretary of State.

(2) Where a person who—

(*a*) has at any time been, for a continuous period of not less than three years, in the employment of a body any of the employees of which have been admitted under subsection (1) of this section to participate in the benefits of a superannuation fund maintained by a local authority ; but

(*b*) left that employment before the date when employees of that body were first admitted as aforesaid (hereinafter in this section referred to as " the date of admission "),

is at the date of admission, or thereafter becomes, a contributory employee or a local Act contributor under any local authority, there shall be taken into account in reckoning his non-contributing service or his service for the purposes of the local Act scheme so

much, if any, of the period of his employment by the body as the local authority under whom at the date of admission he is, or, as the case may be, the first local authority under whom he thereafter becomes, such an employee or contributor may, within one year from the date of admission or, as the case may be, the date upon which he becomes such an employee or contributor, determine.

(3) The last preceding subsection shall have effect in relation to an association of local authorities or of officers of local authorities any of the employees of which have been admitted under any provision of a local Act similar in effect to subsection (1) of this section to participate in the benefits of a superannuation fund maintained by a local authority, subject to the following modifications, that is to say—

(*a*) the reference in the last preceding subsection to subsection (1) of this section shall be construed as a reference to that provision of that local Act; and

(*b*) in any case where the date of admission is before the date of the passing of this Act, for any reference in the last preceding subsection to the date of admission (except in paragraph (*b*) thereof) there shall be substituted a reference to the date of the passing of this Act.

Amendment of Teachers (Superannuation) Act, 1925, s. 3. 15 & 16 Geo. 5. c. 59.

8.—(1) In subsection (1) of section three of the Teachers (Superannuation) Act, 1925 (which requires the Minister of Education to grant superannuation allowances as thereafter provided in that section to the teachers specified in that subsection), there shall be substituted for paragraph (*c*) the following paragraph, that is to say—

" (*c*) has attained the age of sixty years and has, either since the date of commencement of the first period during which he was employed in contributory or recognised service or since the date of commencement of any later period during which he was so employed—

(i) been employed for not less than ten years in such service; and

(ii) been so employed for periods equal in the aggregate to not less than two-thirds of the number of years between the relevant date of commencement aforesaid and the date on which he attained or will attain the age of sixty-five years; or "

(2) The said Act shall be deemed always to have had effect as amended by this section:

Provided that where, but for this proviso, by virtue of the preceding provisions of this section the date from which an

annual superannuation allowance would have begun to accrue, or the date on which an additional allowance would have become due, falls before the date of the passing of this Act, the said allowance shall be deemed not to have begun to accrue, or, as the case may be, to have become payable, until the said date of the passing of this Act.

(3) Where a person who, at any time between the date of the commencement of the Teachers (Superannuation) Act, 1945, and the date of the passing of this Act, has been employed in contributory service by a local authority or by the managers or governors of a school maintained by a local education authority under the Education Acts, 1944 and 1946— 8 & 9 Geo. 6. c. 14.

(*a*) was employed before the date of commencement of the said Act of 1945 in any service in respect of which he was entitled to make an application under section five of the said Act of 1945 that that service should be treated for the purposes of the Teachers (Superannuation) Act, 1925, as if it had been contributory service or recognised service; and either

(*b*) failed before the passing of this Act to make such an application; or

(*c*) upon making such an application, requested that his service before a date specified by him should not be so treated as aforesaid,

and where, if it were so treated as aforesaid, that service before the date of the commencement of the said Act of 1945 or any part of that service, or as the case may be, that service before the said date so specified by him or any part thereof—

(i) if the preceding provisions of this section had not been passed, would or might; but

(ii) by reason of the passing of the said provisions, could not

result in that person being prevented from being or becoming entitled to a superannuation allowance under section three of the Teachers (Superannuation) Act, 1925, that person may, within the period of six months from the date of the passing of this Act or within such longer period as the Minister of Education may in any particular case allow, make application under the said section five, or, as the case may be, make a new application thereunder in the manner prescribed for the purposes of that section in lieu of that previously made, and the said section five shall have effect, subject to any necessary adjustments in respect of payments of appropriate contributions already made, as if the relevant period under this subsection were the time prescribed for the making of applications under that section.

Provisions as to Teachers (Superannuation) Act, 1925, s. 21.

9.—(1) The purposes for which the Minister of Education may make schemes under subsection (1) of section twenty-one of the Teachers (Superannuation) Act, 1925, shall include the following purpose, that is to say, for applying the provisions of Part II of the said Act, with such modifications as may seem to the Minister desirable, to persons employed, whether in England or Wales or elsewhere, in the capacity of teachers or in some other capacity connected with education which to a substantial extent involves the control or supervision of teachers—

(*a*) in the naval, military or air forces of the Crown or any of the women's services mentioned in the First Schedule to the Superannuation Act, 1946 (other than persons who hold a permanent commission in any of those forces or services); or

(*b*) in the employment of a body in respect of whose expenditure a grant is made out of moneys provided by Parliament from or by some Department of His Majesty's Government in the United Kingdom, other than the Ministry of Education and a Department of the Secretary of State for Scotland.

(2) The said subsection (1) shall have effect and be deemed always to have had effect as if for the words "Government Departments in England or Wales" there were substituted the words "Government Departments of His Majesty's Government in the United Kingdom (other than a Department of the Secretary of State for Scotland)", and it is hereby declared that the power to make schemes under the said section twenty-one includes, and has always included, power to frame any such scheme so as to apply to service before the making of the scheme.

Amendment of Teachers (Superannuation) Act, 1945, s. 3.

10. Section three of the Teachers (Superannuation) Act, 1945 (which provides that a person in contributory service shall not be subject to an independent superannuation scheme, as there defined) shall, in relation to any person who becomes employed in contributory service after the passing of this Act, have effect as if for subsection (2) of that section (which relates to persons becoming employed in contributory service who, but for the said provision, would be subject to such a scheme) there were substituted the following subsection, that is to say—

"(2) Where a person who becomes employed in contributory service after the commencement of this Act—

(*a*) has, not more than one year before he so becomes employed in contributory service, been subject to an independent superannuation scheme; and

(*b*) would, but for the fact that the service in which he so becomes employed is contributory service, be subject to such a scheme in respect of that service,

the service in which he so becomes employed shall not be treated as contributory service and he shall be subject to the independent superannuation scheme accordingly:

Provided that if any person who is subject to an independent superannuation scheme by virtue of the foregoing provisions of this subsection elects, by notice in writing to the Minister and to the body administering the scheme given within three months of the date of his becoming employed in contributory service, or within such longer period as the Minister may in any particular case allow, to withdraw from the scheme, the said provisions shall not have effect in relation to any service in which he is employed after the election takes effect."

Power to extend definition of approved external service.

11.—(1) The Minister of Education may, with the consent of the Treasury, by rules provide that, for the purposes of section thirteen of the Teachers (Superannuation) Act, 1925 (which relates to the treatment of approved external service as contributory service in certain circumstances), any specified employment, whether before or after the passing of this Act, in the service of the government of, or of any public authority in, any part of His Majesty's dominions (as defined for the purposes of subsection (1) of section twenty-one of that Act), being employment which is or was pensionable or in respect of which contributions are or were payable to a provident fund, shall be treated as approved external service.

(2) Any such rules may include provisions modifying the said section thirteen in its application to any particular form of employment which under the rules is to be treated as approved external service for the purposes of that section.

Superannuation of certain persons serving in the educational services otherwise than as teachers.

12.—(1) Where the Minister of Education is satisfied with respect to service in any particular appointment in an educational service that it is not service as a teacher and is not service which to a substantial extent involves the control or supervision of teachers, but that it is service in the performance of which teaching experience is of value, he may approve service in that appointment for the purposes of this subsection; and if any person is employed after the commencement of this Act in that appointment, his said employment after the commencement of this Act shall, if he makes application to the Minister of Education for that purpose within the time and in the manner prescribed by rules under section seventeen of the Teachers (Superannuation) Act, 1925, be treated for the purposes of that Act as if it were employment as a teacher in contributory service, and references in the said Act to teachers and to contributory service shall be construed accordingly:

Provided that the employment of a person shall not be treated as employment in contributory service by virtue of this subsection unless he has previously been employed for not less than three years, whether in England or Wales or elsewhere and whether before or after the commencement of this Act, as a teacher in a capacity approved by the Minister of Education.

(2) Where, under the Teachers Superannuation (War Service) Act, 1939, a period of war service is treated for the purposes of Part II of the Teachers (Superannuation) Act, 1925, as if it were a period of contributory service, or where, under the Scottish Teachers Superannuation Scheme, a period of war service is treated as service for the purposes of that scheme, that period of war service shall also be treated as if it were a period of service as a teacher in a capacity approved by the Minister of Education for the purposes of this section, of section two of the Teachers (Superannuation) Act, 1945, and of section fourteen of the said Act of 1925.

(3) The last preceding subsection shall, in relation to the said section two and the said section fourteen, be deemed to have had effect as from the passing of the said Act of 1945.

(4) Subsection (3) of section two of the Teachers (Superannuation) Act, 1945, is hereby repealed.

Probation Officers.

13. Whereas under subsection (3) of section one of the Criminal Justice Act, 1925, arrangements were made for the establishment of a superannuation fund for certain probation officers;

And whereas payments have been and, until the winding-up thereof, will continue to be made into the said fund in respect of persons who, having been such probation officers as aforesaid, are seconded to other service;

And whereas it is expedient to make provision for securing the pension rights of such persons as aforesaid as are still seconded at the date of the making of an order under the Probation Officers (Superannuation) Act, 1947, applying the provisions of the Local Government Superannuation Act, 1937, or of a local superannuation enactment, to probation officers;

10 & 11 Geo. 6. c. 38.

Now therefore—

(1) Notwithstanding anything in section one of the Probation Officers (Superannuation) Act, 1947, an order under that section may provide—

(*a*) for a part of the said superannuation fund being paid to a special fund to be constituted by or under the order, for the management of the said special fund and the investment of the assets thereof, and for the application thereof, in such manner as may be specified in the order,

with a view to securing the pension rights of the said persons in respect of service before the date when they cease to be seconded;

(*b*) for requiring such payments to be made into the said special fund by the persons aforesaid while still seconded and by their employers for the time being as may be specified in the order;

(*c*) for applying the provisions of the Local Government Superannuation Act, 1937, or of a local superannuation enactment, subject in any case to such adaptations, modifications and exceptions as the Secretary of State thinks fit, to such persons as aforesaid when they cease to be seconded;

(*d*) for transferring to such superannuation funds maintained under the said Act of 1937 or under a local superannuation enactment as may be specified in or under the order the liabilities of the said special fund in respect of payments of pensions to persons who become entitled to receive them on or before ceasing to be seconded;

(*e*) for the payment out of moneys provided by Parliament into the said special fund of sums necessary to make good any amount by which that fund is insufficient for the purpose of making any payment necessary for securing the pension rights of the persons aforesaid;

(*f*) for the winding up of the said special fund after all the persons aforesaid have ceased to be seconded, and for the payment into the Exchequer of any amount remaining after the payment of the expenses of the winding-up:

Provided that any order providing for payments out of moneys provided by Parliament shall only be made with the consent of the Treasury.

In this subsection, the expression "local superannuation enactment" has the meaning assigned to it by subsection (5) of section one of the Probation Officers (Superannuation) Act, 1947.

(2) Section four of the Pensions (Increase) Act, 1944 (which, subject to the limitations imposed by the Pensions (Increase) Act, 1947, enables pensions payable in respect of service as a probation officer to be increased) shall have effect as if the reference to such service included a reference to service while seconded as aforesaid.

(3) For the purposes of section two of this Act, the employment of the persons aforesaid while they are still seconded shall be deemed to be pensionable employment.

Approved school officers. 23 & 24 Geo. 5. c. 12.

14. The power conferred by paragraph 14 of the Fourth Schedule to the Children and Young Persons Act, 1933, or by paragraph 14 of the Second Schedule to the Children and Young

1 Edw. 8 & 1 Geo. 6. c. 37.

Persons (Scotland) Act, 1937, on the managers of an approved school to pay or contribute towards the payment of superannuation allowances or gratuities to or to the dependants of certain officers, shall be construed as including power to pay or contribute towards the payment of such allowances or gratuities in the case of persons who cease to be officers in the service of the school in order to enter into pensionable employment of a class referred to in subsection (2) of section two of this Act, or to pay or contribute towards the payment of transfer values or other similar payments in respect of those persons, and the reference in the proviso to each of the said paragraphs to payments or contributions in respect of any superannuation allowance or gratuity shall be construed as including a reference to payments or contributions under this section, and the powers to make rules conferred by those provisos shall be extended accordingly.

General provisions as to rules under this Act.

15.—(1) Any rules under this Act may contain such consequential and incidental provisions as appear to the authority making the rules to be necessary or expedient, including provisions requiring the giving of information and the production of documents, and provisions repealing, revoking, varying or applying any statutory provision relating to the subject matter of the rules; and any such rules may make different provision for different cases or classes of cases.

(2) Any power conferred by this Act to make rules shall be exercisable by statutory instrument, and any statutory instrument made in the exercise of any such power shall be subject to annulment by resolution of either House of Parliament.

(3) Anything which the Secretary of State is empowered by this Act to do by rules in relation to the Scottish Teachers Superannuation Scheme may be done by such rules or by amendment of the said scheme under section one hundred and one of the Education (Scotland) Act, 1946.

Financial provisions.

16. Any increase attributable to the provisions of this Act or of any rules made thereunder in the sums which are payable out of moneys provided by Parliament under the Superannuation Acts, 1834 to 1946, the Teachers (Superannuation) Acts, 1918 to 1946, or the Education (Scotland) Act, 1946, shall be defrayed out of moneys so provided.

Interpretation.

17.—(1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"civil servant" means a person serving in an established capacity in the permanent civil service of the State within the meaning of section seventeen of the Superannuation Act, 1859; 22 Vict. c. 26.

" service to the State in an unestablished capacity " means employment in the civil service of the State otherwise than as a civil servant, being employment to which the person serving therein is required to devote his whole time, and the remuneration for which is paid entirely out of moneys provided by Parliament ;

" contributory employee ", " local Act scheme ", " local Act contributor " and " local authority " have, in relation to England and Wales, the same meanings as in the Local Government Superannuation Act, 1937, and, in relation to Scotland, the same meanings as in the Local Government Superannuation (Scotland) Act, 1937 ;

" metropolitan police staff " means persons in employment—

(*a*) under the Commissioner of Police of the Metropolis or the Receiver for the Metropolitan Police District, otherwise than as constables ;

(*b*) as members of the staff of the metropolitan police courts, otherwise than as metropolitan police magistrates ;

" pension ", in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a lump sum or a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto ;

" pension fund " means a fund established for the purpose of paying pensions and includes the Metropolitan Police Fund and, in relation to the Superannuation Acts, 1834 to 1946, and the Teachers (Superannuation) Acts, 1918 to 1946, the Exchequer, and, in relation to the Education (Scotland) Act, 1946, the Education (Scotland) Fund ;

" pension rights " includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person ;

" pension scheme " includes any form of arrangements for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise ;

" pensionable employment " means employment which is relevant in relation to the pension rights of the person employed, and includes all such employment, whether or not for a period sufficient to render him entitled to, or eligible for, the payment of a pension to or in respect of him ;

"Scottish Teachers Superannuation Scheme" has the meaning assigned by section one hundred and forty-three of the Education (Scotland) Act, 1946, to the expression "Teachers Superannuation Scheme";

"statutory provision" means a provision, whether of a general or special nature, contained in or in any document made or issued under any Act, whether of a general or special nature;

"War Agricultural Executive Committee" has the same meaning as in the Agriculture (Miscellaneous War Provisions) Act, 1940.

3 & 4 Geo. 6. c. 50.

(2) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

Short title.

18. This Act may be cited as the Superannuation (Miscellaneous Provisions) Act, 1948.

SCHEDULE.

PART I.

Amendments of the Local Government Staffs (War Service) Act, 1939.

1. Where a person serving in any superannuable capacity specified in the first column of the Schedule to the Act ceased so to serve in order to undertake war service and had not then attained the age of eighteen years, and, if he had attained that age, any of his service before the date of the cessation would have been contributing service or service for the purposes of a local Act scheme, then, if he attains that age while in war service, he shall be entitled to reckon so much of his war service as falls after the attainment of that age as contributing service or service for the purposes of that local Act scheme, and section four of the Act shall have effect in respect of that part of his war service as if he had not ceased to serve as aforesaid in order to undertake war service until immediately after the date upon which he attains that age.

2. Where a person serving in any superannuable capacity specified in the first column of the Schedule to the Act ceased so to serve in order to undertake war service and had not then attained the age of eighteen years, and the provisions of paragraph 1 of this Part of the Schedule do not apply, the period of his war service shall be taken into account for superannuation purposes in the same manner and to the same extent, if any, as it would have fallen to be taken into account if he had continued to serve in the same superannuable capacity as aforesaid throughout the period of his war service.

3. Where a person serving in a temporary capacity as a whole time officer of a local authority, being an authority specified in Part I of the First Schedule to the Local Government Superannuation Act, 1937, ceased so to serve in order to undertake war service and had then attained the age of eighteen years but was not then a contributory employee or a local Act contributor, and, if he had not ceased so to serve, he would have become a contributory employee or a local Act contributor on some date falling within the period of his war service, he shall be entitled to reckon so much of his war service as falls after the said date as contributing service or as service for the purposes of the local Act scheme, and section four of the Act shall have effect in respect of that part of his war service as if he had not ceased to serve as aforesaid in order to undertake war service until immediately after the said date.

4. It is hereby declared that where, under section three of the Act, the period of a person's war service falls to be aggregated with the period of his service in his civil capacity, then, for the purposes of

sections thirteen and twenty-nine of the Local Government Superannuation Act, 1937, he shall not be deemed to have ceased to be employed by the authority by whom he was employed immediately before he undertook his war service until the expiration of his war service or, if before the expiration of his war service he makes a claim under section ten of the last mentioned Act for the return of contributions made by him for superannuation purposes, until the date on which the claim is made, and references in the said sections thirteen and twenty-nine to the cessation of his employment by that authority shall be construed accordingly.

5. Where a person who is in war service immediately before the end of the present emergency continues in the same service after the end thereof, the said service continued as aforesaid shall all be treated as war service for the purposes of the Act:

Provided that, except where the said person continues his war service in pursuance of a legal obligation so to do arising otherwise than by reason of a voluntary undertaking by him to continue it, the local authority by whom he was employed immediately before he undertook his war service may at any time by notice in writing given to him notify him that his war service for the purposes of the Act will be deemed to cease three months after the date of the service of the notice, and unless the authority withdraw their notice the said war service shall be deemed to cease accordingly.

6. The provisions of this Part of this Schedule shall be deemed always to have had effect and all necessary adjustments shall be made accordingly.

7. In its application to Scotland, this Part of this Schedule shall have effect as if for references to the Local Government Superannuation Act, 1937, and to sections ten, thirteen and twenty-nine thereof, there were respectively substituted references to the Local Government Superannuation (Scotland) Act, 1937, and to sections ten, thirteen and twenty-four thereof.

PART II.

Amendments of the Teachers Superannuation (War Service) Act, 1939.

1.—(1) In paragraph (*b*) of subsection (3) of section two (which relates to the employer's contributions which must be paid by persons undertaking war service before completing their training as teachers or before becoming employed in contributory service if their war service is to count as contributory service) after the words "such amount" there shall be inserted the words "(not exceeding two and a half per cent. of the amount of his said salary as a teacher)".

(2) Sections two and three shall have effect as if section two had been enacted as amended by this paragraph.

2. After section seven the following section shall be inserted—

"7A. Where a person employed as a teacher in contributory service ceases to be so employed by reason that he is interned

by the enemy or by a neutral power, this Act shall have effect as if he had ceased to be so employed in order to undertake war service and as if his war service had continued for the period of his internment."

3.—(1) Where a person who is in war service immediately before the end of the period of the present emergency continues in the same service either with the consent of his former employer (as defined for the purposes of the Act) or in pursuance of a legal obligation so to do arising otherwise than by reason of his voluntary continuance of his service, the said service continued as aforesaid shall all be treated as war service for the purposes of the Act; and section nine of the Teachers (Superannuation) Act, 1945 shall be construed accordingly.

(2) Where a person who is in war service immediately before the end of the period of the present emergency continues in the same service after the end thereof in pursuance of a legal obligation so to do arising by reason of his voluntary continuance of his service without the consent of his former employer, nothing in section nine of the Teachers (Superannuation) Act, 1945 shall be construed as enabling so much of the said service continued as aforesaid as falls after the end of the period of the present emergency to be treated as part of his period of war service.

4. The Act shall apply to a person whose employment is treated by virtue of section two of the Teachers (Superannuation) Act, 1945, as if it were employment as a teacher in contributory service as it applies to such a teacher, and any reference in the Act to a teacher or to contributory service shall be construed accordingly.

5. Notwithstanding anything in section eleven of the Act, the expression " contributory service ", wherever used in the Act, shall, in relation to service after the commencement of the Teachers (Superannuation) Act, 1945, be construed, save where the context otherwise requires, as having the meaning assigned to it by subsection (1) of section one of the last mentioned Act.

6. The provisions of this Part of this Schedule shall be deemed always to have had effect, and all necessary adjustments shall be made accordingly.

PART III.

Amendments of the Education (Scotland) (War Service Superannuation) Act, 1939.

1. In section seven, at the end of the definition of " war service ", the following words shall be inserted and shall be deemed always to have formed part of the definition—" and includes internment by the enemy or by a neutral power ".

2. Where a person who is in war service immediately before the end of the present emergency continues in the same service either with the consent of the education authority, governing body or other body of managers by whom he was employed immediately before undertaking war service or in pursuance of a legal obligation so to do arising otherwise than by reason of his voluntary continuance of his service, the said service continued as aforesaid shall all be treated as war service for the purposes of the Act.

3. Where a person who is in war service immediately before the end of the period of the present emergency continues in the same service after the end thereof in pursuance of a legal obligation so to do arising by reason of his voluntary continuance of his service without the consent of the education authority, governing body or other body of managers by whom he was employed immediately before undertaking war service, nothing in the definition of "period of war service" in section seven of the Act shall be construed as enabling so much of the said service continued as aforesaid as falls after the end of the period of the present emergency to be treated as part of his period of war service.

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