STATUTORY INSTRUMENTS

1972 No. 1762

PENSIONS

The Superannuation (Public Offices) (Amendment) Rules 1972

Made - - - -	17*th November* 1972
Laid before Parliament	27*th November* 1972
Coming into Operation	19*th December* 1972

The Minister for the Civil Service, in exercise of the powers conferred by sections 38 and 42(1) of the Superannuation Act 1965**(a)**, as amended by paragraphs 56 and 57 of Schedule 6 to the Superannuation Act 1972**(b)**, and now vested in him**(c)**, and of all other powers enabling him in that behalf, hereby makes the following Rules:—

1. These Rules may be cited as the Superannuation (Public Offices) (Amendment) Rules 1972, and shall come into operation on 19th December 1972.

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

3. The provisions of the Superannuation (Public Offices) Rules 1967**(e)** as amended **(f)**, specified in column 1 of the Schedule to these Rules shall have effect subject to the amendments specified in column 2 of that Schedule.

Given under the official seal of the Minister for the Civil Service on 17th November 1972.

(L.S.)

Kenneth Baker,
Authorised by the Minister for the Civil Service.

(a) 1965 c. 74.
(b) 1972 c. 11.
(c) *See* S.I. 1968/1656 (1968 III, p. 4485).
(d) 1889 c. 63.
(e) S.I. 1967/364 (1967 I, p. 1243).
(f) S.I. 1968/2071 (1968 III, p. 5608).

SCHEDULE

Amendments of the Superannuation (Public Offices) Rules 1967

Provision amended	*Amendment*
Rule 4 (apportionment of cost of award).	In paragraph (2), for "the Superannuation Act 1965" substitute "the civil service scheme".
Rule 6 (reduction of retiring age where service has been in certain places abroad).	For Rule 6 substitute the following Rule:— "6. Where— (*a*) the superannuation scheme applicable to the last public office in which a person was employed contains a provision corresponding to section 25 of the Superannuation Act 1965 (which provided for the reckoning of service in certain places overseas at one and a half times its actual length); and (*b*) he has rendered service in a public office (other than his last public office) to which that provision would have applied if that service had been rendered in his last public office, any provision in that superannuation scheme corresponding to section 25(3) of the Superannuation Act 1965 (which provided that for each completed year of actual service to which the section applies the retiring age should be reduced by three months, but not so as to reduce it below 55 years) shall have effect in relation to the service in question as if it were service in the last public office in which he was employed."
Rule 8 (widows' and children's pensions in respect of contributing service).	In paragraph (1)(*a*), for "as a civil servant, Part III of the Superannuation Act 1965" substitute "to which the civil service scheme applies, that scheme". For paragraph (3) substitute— "(3) In the application of the civil service scheme in relation to any widow's or children's pension payable in respect of the officer's service— (*a*) any reference to a pension under that scheme shall be construed as a reference to the corresponding pension under Part I of these Rules; (*b*) any reference to the rate of pension under that scheme shall be construed as a reference to the annual rate of the pension for which the officer would have been eligible under Part I of these Rules if that part of his service which was non-contributing service had been left out of account; (*c*) any reference to reckonable service shall be construed as a reference to contributing service; (*d*) any reference to qualifying service shall be construed as a reference to service in a public office; (*e*) any reference to periodical contributions shall be construed as including a reference to similar contributions made to a contributing authority." Omit paragraph (4).

Provision amended	*Amendment*
	In paragraph (5), for "the pension referred to in the last preceding paragraph" substitute "the pension for which the officer would have been eligible under Part I of these Rules if that part of his service which was non-contributing service were left out of account"
	Omit paragraphs (6) and (7).
	In paragraph (8), for "The contribution falling to be made under section 57 of the Superannuation Act 1965 (as modified by the last preceding paragraph)" substitute "Any balance of contributions payable after the death of the officer after allowing for periodical contributions made by him".
	In paragraph (9), for the words from "the contributions" to "(not in the civil service of the State)" substitute "any such balance of contributions as is referred to in paragraph (8) above".
	In paragraph (10)(*b*), for "a civil servant to whom Part III of the Superannuation Act 1965 applied" substitute "a person to whom Part III of the Superannuation Act 1965 or the corresponding provisions of the civil service scheme applied".
	In paragraph (10)(*d*), after "corresponding provision of" insert "the civil service scheme or".
	In paragraph (11), for "Part III of the Superannuation Act 1965" substitute "the civil service scheme".
Rule 10 (dependants' pensions).	In paragraph (1), after "corresponding provisions of" insert "the civil service scheme or", and for "the said Part IV" substitute "the said provisions of the civil service scheme".
	For paragraph (2) substitute— "(2) In the application of the civil service scheme in relation to any dependants' pension payable in respect of the officer's service— (*a*) any reference to a pension under that scheme shall be construed as a reference to the corresponding pension under Part I of these Rules; (*b*) any reference to reckonable service shall be construed as a reference to the aggregate of the periods of service mentioned in paragraph (3) below; (*c*) any reference to qualifying service shall be construed as a reference to service in a public office; (*d*) any reference to periodical contributions shall be construed as including a reference to similar contributions made to such an authority as is specified in paragraph (3)(*c*) below".
	In paragraph (3)(*a*), for "the Superannuation Act 1965 as service in the capacity of a civil servant" substitute "the civil service scheme".

Provision amended	*Amendment*
	In paragraph (3)(*b*), after "1965' insert "or the corresponding provisions of the civil service scheme". and for "the said Part IV" substitute "the said provisions".
	In paragraph (3)(*c*), after "Part IV" insert "or the corresponding provisions of the civil service scheme", and after "1965" insert "or the corresponding provisions of the civil service scheme".
	In paragraph (4), for "Part IV of the Superannuation Act 1965" substitute "the civil service scheme", and for "the pension mentioned in paragraph (2) of this Rule" substitute "the pension for which the officer would or might have been eligible under Part I of these Rules, if the aggregate of the said periods, and no other periods of service, had been or were taken into account for the purpose of Part I of these Rules,".
	Omit paragraphs (5) and (6).
	In paragraph (7), for "The contribution falling to be made under section 69 of the Superannuation Act 1965 (as modified by the last preceding paragraph)" substitute "Any balance of contributions payable after the death of the officer after allowing for periodical contributions made by him".
Rule 11 (death gratuities).	In paragraph (4), after "Rule 3 of these Rules", where it first occurs, insert "any provision of the civil service scheme corresponding to", for "a superannuation allowance or an additional allowance" substitute "a pension or lump sum", and for "the said section 4(2) or any corresponding provision" substitute "such provision".
Rule 16 (interpretation).	In paragraph (1), for the definition of "civil servant" substitute— " "the civil service scheme" means the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force"; for the definition of "non-pensionable service" substitute— " "non-pensionable service" means service which is not pensionable service; and "non-pensionable capacity" shall be construed accordingly". and for the definition of "pensionable service" substitute— " "pensionable service", in relation to a person serving at any time in a public office, means service which, if at that time he had retired from that public office and had attained the minimum retiring age and served the minimum period of qualifying service, would have rendered him eligible, under the superannuation scheme applicable to the public office, for a pension; and "pensionable capacity" shall be construed accordingly".

EXPLANATORY NOTE

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

These Rules amend the Superannuation (Public Offices) Rules 1967, which make provision for the pensions of persons who have been employed in two or more public offices (as defined in section 39 of the Superannuation Act 1965). The amendments are consequent upon the replacement of the Superannuation Act 1965 by the principal civil service pension scheme made under section 1 of the Superannuation Act 1972.

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