STATUTORY INSTRUMENTS

1982 No. 1207

PENSIONS

The Superannuation (Public Offices) (Amendment) Rules 1982

Made - - - -	20*th August* 1982
Laid before Parliament	10*th September* 1982
Coming into Operation	1*st October* 1982

The Treasury, in exercise of the powers conferred by section 38(1) to (3) of the Superannuation Act 1965(**a**), and now vested in them (**b**), and of all other powers enabling them in that behalf, hereby make the following Rules:—

1. These Rules may be cited as the Superannuation (Public Offices) (Amendment) Rules 1982, and shall come into operation on 1st October 1982.

2. In these Rules, "the principal Rules" means the Superannuation (Public Offices) Rules 1967(**c**).

3. The provisions of the principal Rules specified in column 1 of the Schedule to these Rules shall have effect subject to the amendments specified in column 2 of that Schedule and the following new Rule shall be inserted in Part III of the principal Rules after Rule 12—

"Transfer between compatible public offices

12A. The provisions of Rule 12 shall apply to any person who—

(*a*) has been continuously employed in a pensionable capacity in two or more public offices of which not less than two are compatible public offices; and

(*b*) ceases after 30th September 1982 to be employed in a compatible public office and becomes employed in another compatible public office in such circumstances that he is allowed to transfer the capital value of his accrued superannuation benefits to the superannuation scheme applicable to that other employment."

Alastair Goodlad,
John Selwyn Gummer,
Two of the Lords Commissioners of Her Majesty's Treasury.

20th August 1982.

(**a**) 1965 c. 74; section 38 was amended by the Superannuation Act 1972 (c. 11), section 29(1) and Schedule 6, paragraph 56.
(**b**) S.I. 1981/1670, art. 2(1)(*c*).
(**c**) S.I. 1967/364, amended by S.I. 1968/2071, 1972/1762.

SCHEDULE

Amendments of the Superannuation (Public Offices) Rules 1967

Provision amended	*Amendment*
Rule 3 (single aggregated retiring award)	Add after the words "this Rule" in paragraph (1) "except as regards a period of service in a public office which commenced after 30th September 1982". For the words "in which he was employed", wherever they occur in paragraph (6), substitute "his employment in which commenced prior to 1st October 1982".
Rule 4 (apportionment of cost of award)	For the words "in which he has been employed" in paragraph (1) substitute "to which the award relates". Add at the end of paragraph (1)— "Provided that no apportionment shall be made (and no contribution shall be payable under the provisions of this Rule) where each of the authorities administering the superannuation schemes applicable to the similar public offices to which the award relates has agreed to waive the application of apportionment." For the words "in which he was employed", wherever they occur in paragraph (4), substitute "to which the award relates". Insert after the word "then" in paragraph (4) "(except in those cases where apportionment has been waived under the proviso to paragraph (1) of this Rule)". For the words "in which the officer has been employed" in paragraph (5) substitute "to which the award relates".
Rule 8 (widows' and children's pensions in respect of contributing service)	Add at the end of paragraphs (5) and (9)— "Provided that no apportionment shall be made where each contributing authority has agreed to waive the application of apportionment to an officer's contributing service." Add at the end of paragraph (8)— "Provided that no such apportionment shall be made where apportionment of the award of widows' and children's pensions has been waived under the proviso to paragraph (5) of this Rule."

Rule 10 (dependants' pensions).	Insert after the word "pay" in paragraph (3)(*b*) "(notwithstanding that apportionment may be waived under the proviso to paragraph (4) of this Rule)". Add at the end of paragraph (4)— "Provided that no apportionment shall be made where each of the said authorities has agreed to waive the application of apportionment." Add at the end of paragraph (7)— "Provided that no such apportionment shall be made where apportionment of the award of pension has been waived under the proviso to paragraph (4) of this Rule."
Rule 11 (death gratuities).	Add at the end of paragraph (2)— "Provided that no apportionment shall be made (and no contribution shall be payable under the provisions of Rule 4) where each of the authorities administering the superannuation schemes applicable to the similar public offices in which the officer has been employed has agreed to waive the application of apportionment."
Rule 12 (transfer to other employment).	For the words "such of his service as is reckonable for the purposes of the superannuation scheme applicable to that compatible public office is treated, whether on payment of a transfer value or otherwise, as reckonable service for the purposes of the superannuation scheme applicable to that other employment" in paragraph (1)(*b*) substitute "he is allowed to transfer the capital value of his accrued superannuation benefits to the superannuation scheme applicable to that other employment." Insert after the words "this Rule" in paragraph (2) "and Rule 12A". Add at the end of paragraph (4)— "Provided that no payment of transfer values shall be made under this paragraph where each authority administering the superannuation schemes applicable to the compatible public offices in which the officer has been continuously employed (including the last such office) agrees to waive payment."

	Add at the end of paragraph (5)—
	"Provided that where payment of transfer values is waived under the proviso to paragraph (4) of this Rule the reckonable service of the officer for the purposes of the superannuation scheme applicable to the last compatible public office in which the officer was employed shall be calculated as if each such transfer value had been paid."

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules further 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 provide that a single aggregated retiring award under Rule 3 of the 1967 Rules may not be made in respect of a period of service in a public office which commences after these Rules come into operation. The amendments also provide that where each of the authorities administering the superannuation schemes applicable to the public offices in which an officer has been employed so agree the cost of the retirement and other benefits payable in respect of his service shall not be apportioned between the schemes, and that where an officer ceases to be employed in a public office and becomes employed in other employment in circumstances where he is allowed to transfer the capital value of his accrued superannuation benefits to the superannuation scheme applicable to that other employment successive transfer values need not be paid under Rule 12 of the 1967 Rules if the authorities administering the superannuation schemes applicable to each public office in which the officer has been employed so agree.

A new Rule 12A applies the provisions of Rule 12 of the 1967 Rules (transfer to other employment) to an officer who becomes employed in another compatible public office (as defined in Rule 12) after the date these Rules come into operation.

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