The Superannuation (Public Offices outside the United Kingdom) Rules, 1951

1951 No. 444

Made - - - -	15*th March*, 1951
Laid before Parliament	16*th March*, 1951
Coming into Operation	19*th March*, 1951

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by subsection (1) of section fifty-four of the Superannuation Act, 1949(**a**), and of all other powers enabling Them in that behalf, hereby make the following Rules:—

1.—(1) These Rules may be cited as the Superannuation (Public Offices outside the United Kingdom) Rules, 1951.

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

(3) These Rules shall come into force on the 19th day of March, 1951.

2.—(1) In these Rules unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

(*a*) "The Act" means the Superannuation Act, 1949.

(*b*) "Public office" has the meaning ascribed to it by section four of the Superannuation Act, 1892(**c**).

(*c*) "The Public Offices Rules" means the Rules made by the Treasury(**d**) under section one of the Superannuation Act, 1892, and section seven of the Superannuation Act, 1909(**e**).

(*d*) "Officer" means a person who, whether before or after he is a civil servant, serves in a public office outside the United Kingdom (not being an office in the Civil Service of the State or an office in the permanent Civil Service of a Colony within the meaning of the Pensions (Colonial Service) Act, 1887(**f**)).

(2) Any reference in these Rules to the provisions of any enactment, rules or regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment, regulations or rules, including these Rules.

3. Subject to the provisions of Rules 10 and 11 hereof, these Rules shall apply in the case of an officer whose superannuation benefits are, or if he had retired immediately before the date of his death, might have been, regulated by Rule 9 of the Public Offices Rules.

4. Part I and Part II of the Act shall have effect in relation to an officer to whom these Rules apply, subject to the adaptations and modifications prescribed in these Rules.

(**a**) 12, 13 & 14 Geo. 6. c. 44. (**b**) 52 & 53 Vict. c. 63. (**c**) 55 & 56 Vict. c. 40.
(**d**) S.R. & O. 1911 (No. 707) p. 285. (**e**) 9 Edw. 7. c. 10. (**f**) 50 & 51 Vict. c. 13.

5. For the purposes of calculating the annual rate of any pension payable under Part I or Part II of the Act on the death of an officer, the rate of the superannuation allowance of the deceased shall be deemed to be the rate of the superannuation allowance for which he had become eligible (whether such an allowance at that or any other rate had actually been granted or not), or, as the case may be, for which he would or might have become eligible by virtue of Rule 9 of the Public Offices Rules, and these Rules, in respect of his service as a civil servant, any abatement falling to be made under regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946(a), being left out of account.

6.—(1) Periodical contributions under Part I and Part II of the Act shall be payable by an officer only in respect of any period during which he serves as a civil servant.

(2) References in sections eight, nine, twenty, twenty-one and twenty-two of the Act

(i) to reckonable service, shall be construed as references to service in the Civil Service of the State which is, or is reckonable under the Superannuation Acts, 1834-1950, as, service in the capacity of a civil servant;

(ii) to a person ceasing to be a civil servant, shall be construed as references to him ceasing to be an officer to whom these Rules apply.

(3) References in sections nine and twenty-two of the Act to an additional allowance or gratuity under section two of the Superannuation Act, 1909, shall include references to the corresponding allowance or gratuity payable under the Public Offices Rules.

7. Where an officer is at the date when these Rules come into operation serving in a public office outside the United Kingdom (not being an office in the Civil Service of the State or an office in the permanent Civil Service of a colony within the meaning of the Pensions (Colonial Service) Act, 1887) the provisions of subsections (2) and (3) of section ten of the Act shall apply in relation to him as they apply in relation to a person who was at the date of the passing of the Act a civil servant, but as if for the references therein to the date of the passing of the Act were substituted references to the date when these Rules come into operation.

8.—(1) The provisions of this Rule shall have effect in relation to an officer to whom this part of these Rules applies in substitution for the provision of section thirty-two of the Act.

(2) Where—

(i) an officer on retiring from the Civil Service upon a medical certificate, becomes eligible for the grant of one or more pensions by virtue of Rule 9 of the Public Offices Rules; and

(ii) the aggregate number of years of his service in a public office and his service as a civil servant is, or exceeds, ten years, but does not exceed twenty years; and

(iii) the aggregate amount of the pensions for which he is eligible is less than one-fourth of the average annual amount of his salary and emoluments during the last three years of his service—

there may be granted to him in respect of his service as a civil servant such superannuation allowance and additional allowance as may be requisite in order that the aggregate amount of the superannuation allowances and additional allowances granted to him by virtue of Rule 9 of the Public

(a) 9 & 10 Geo. 6. c. 67

Offices Rules and this Rule, shall be equivalent to the aggregate amount which would have been so granted if the aggregate number of years of his service in a public office and his service as a civil servant had been twenty years.

(3) In the case of an officer the aggregate of whose service in a public office and service as a civil servant would, if he had continued to serve in the employment in which he was when he was last a civil servant until five years after the retiring age, have been a period shorter than twenty years, the immediately foregoing paragraph of this Rule shall have effect as if for the last reference therein to twenty years there were substituted a reference to that shorter period.

(4) In this Rule the expression " pension " has the same meaning as in the Public Offices Rules.

9. Where any part of the service of an officer in a public office outside the United Kingdom was service in any country or place to which section 42 of the Act for the time being applies, subsection (3) of the said section shall have effect in relation to that part of his service as though it were service in the capacity of a civil servant.

10. The provisions of the next succeeding Rule shall apply to the case of an officer who dies while serving in any public office outside the United Kingdom.

11.—(1) No pension shall be payable under Part I or Part II of the Act (as modified and adapted by these Rules) on the death of an officer unless the sum specified in the next succeeding paragraph of this Rule shall have been paid to the Treasury within the twelve months next following the death of the officer or within such extended period as the Treasury may allow.

(2) The sum to be paid to the Treasury in pursuance of this Rule shall be equal to the contribution which would have fallen to be made in respect of the officer under section nine or, as the case may be, section twenty-two of the Act as modified and adapted by these Rules, if a gratuity under section two of the Superannuation Act, 1909, had been payable in respect of the officer on his death.

(3) If any sum falls to be paid under the preceding paragraphs of this Rule and the whole of that sum is not paid within the period specified in paragraph (1) thereof, any pension which would have been payable under Part I or Part II of the Act and these Rules if the whole of the said sum had been paid shall be reduced so as to bear to the full amount thereof the same proportion as the sum paid bears to the total sum specified in paragraph (2) of this Rule:

Provided that—

(*a*) a payment made in accordance with the preceding provisions of this Rule shall be ineffective for the purposes of this Rule unless either a widow's pension or a children's pension can be paid in respect of the officer's service at a rate equal to at least six pounds ten shillings per annum; and

(*b*) where a payment is ineffective under the immediately preceding sub-paragraph the amount thereof shall be repaid.

Dated this 15th day of March, 1951.

Wm. Hannan,
H. W. Bowden,
Two of the Lords Commissioners
of His Majesty's Treasury.

EXPLANATORY NOTE

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

These Rules under Section 54 of the Superannuation Act, 1949, make the necessary modifications in the application of that Act to persons who have service in the Civil Service and in a public office outside the United Kingdom which is not an office in the permanent Civil Service of a Colony within the meaning of the Pensions (Colonial Service) Act, 1887.

The Rules are similar to Parts I and III of the Superannuation (Joint Colonial and Civil Service) Rules, 1950. They provide for contributions to the Civil Service Widows' and Dependants' Pension Schemes and for the payment of pensions thereunder on the basis of the actual period of Civil Service. They also provide for the increase of superannuation benefits in certain cases of retirement on ill-health grounds and for the application of Subsection (3) of Section 42 of the Act, which provides that service in certain places abroad shall entitle the officer to a reduction in the retiring age. Finally, the Rules provide for a contribution to be paid to the Treasury before a pension is payable under the Widows' (or Defendants') Pension Scheme, in the case where a man dies in the service of a public office outside the United Kingdom.

The Superannuation (Teaching and Health Education) (Scotland) Rules, 1951

1951 No. 1355 (S. 71)

Made - - - -	*25th July*, 1951
Laid before Parliament	*27th July*, 1951
Coming into Operation	*1st August*, 1951

The Secretary of State in exercise of the powers conferred upon him by Sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), and with the consent of the Treasury hereby makes the following Rules :—

1.—(1) In these Rules, unless the context otherwise requires—

(*a*) " Central Council " means the Central Council for Health Education ;

(*b*) " Pension Fund " means the Staff Pension Fund of the Central Council ;

(*c*) " Scheme of 1919 " means the Superannuation Scheme for Teachers in Scotland, dated the 5th day of June, 1919, and approved by His Majesty in Council on the 30th day of July, 1919(b) ;

(*d*) " Scheme of 1926 " means the Superannuation Scheme for Teachers (Scotland), 1926(c) ;

(*e*) " teaching service " has the meaning assigned to the expression " service " by paragraph (7) of article 1 of the Scheme of 1926.

(a) 11 & 12 Geo. 6. c. 33. (b) S.R. & O. 1919 (No. 1105) I, p. 688.
(c) S.R. & O. 1926 (No. 363) p. 449.