(8) PUBLIC OFFICES

The Superannuation (Public Offices) Rules, 1949

1949 No. 1332

Made - - - -	15*th July*, 1949
Laid before Parliament	15*th July*, 1949
Coming into Operation	15*th July*, 1949

The Lords Commissioners of His Majesty's Treasury in exercise of the powers conferred on Them by sub-section (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) Rules, 1949.

(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 15th day of July, 1949.

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*) "Officer" means a person who, whether before or after he is a civil servant, serves in a public office in the United Kingdom, not being an office in the Civil Service of the State, which is a public office as defined by section four of the Superannuation Act, 1892(c).

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

(*d*) "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).

(*e*) "Contributing authority" means an authority in the United Kingdom in respect of whom the following conditions are satisfied:—

(i) that service under the authority is service in a public office as defined by the Superannuation Act, 1892;

(ii) that the authority has, before the date of the death or final retirement of the officer, adopted a system of superannuation whereunder provision is made for the payment, on the death of the officer, of pensions to his widow and children; and

(iii) that arrangements have been made with the authority which, in the opinion of the Treasury, ensure that the total amount of the award of any widow's or children's pension which may be granted on the death of the officer shall be apportioned between that authority and other authorities contributing thereto in the like proportions that an award of pension under Rules 1 to 8 of the Public Offices Rules would or might have fallen to be apportioned among them on the officer's final retirement.

(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*) " Non-contributing service " means any period of service by the officer in a public office which is neither service under a contributory authority nor service as a civil servant, and the expression " contributing service " shall be construed accordingly.

(*g*) 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.

PART I.—WIDOWS' AND CHILDREN'S PENSIONS

3. Part I of the Act shall have effect in relation to an officer to whom these Rules apply subject to the modifications contained in this part of these Rules.

4. Any widows' pension or children's pension granted on the death of an officer shall be payable—

(*a*) if at the time of his death or final retirement he was a civil servant, by the Treasury ;

(*b*) in any other case by the contributing authority by whom he was last employed.

5.—(1) In the application of Part I of the Act to an officer to whom these Rules apply any reference in section two of the Act—

(*a*) to a superannuation allowance, shall be construed as including a reference to the corresponding allowance under the Public Offices Rules ;

(*b*) to a deceased serving as a civil servant, shall be construed as including a reference to him serving in a public office (not in the civil service of the State) to which the Public Offices Rules apply ;

(*c*) to a deceased having ceased to be a civil servant, shall be construed as including a reference to him having ceased to be employed in a public office (not in the civil service of the State) to which the Public Offices Rules apply.

(2) For the purpose of calculating the annual rate of any widow's pension or children's pension payable on the death of an officer the expression " the rate of the superannuation allowance of the deceased " in Part I of the Act shall be construed as meaning the annual rate of the superannuation allowance for which the officer would have been eligible, or, as the case may be, for which he would or might have become eligible, under the Public Offices Rules, if that part of his service which was non-contributory service had been left out of account.

(3) The total amount of the award of widow's and children's pensions in respect of an officer shall be apportioned among the Treasury and the contributing authorities in the like proportions that the superannuation allowance referred to in the immediately preceding paragraph would, or might have fallen under the Public Offices Rules to be apportioned among them upon the officer's final retirement.

6. Section nine of the Act shall apply in relation to an officer as if the references therein—

(i) to an additional allowance or a gratuity under section two of the Superannuation Act, 1909, were references to the corresponding allowance or gratuity under the Public Offices Rules ;

(ii) to periodical contributions included references to similar contributions made to a contributing authority ;

(iii) to a person ceasing to be a civil servant, were to him ceasing to be an officer to whom these Rules apply ; and

(iv) to reckonable service, were to contributing service.

7. The contribution falling to be made under section nine of the Act (as modified by the immediately preceding Rule) shall be apportioned among the Treasury and the contributing authorities in the like proportions that the award of widows' and children's pensions falls under Rule 5 hereof to be apportioned among them.

8. No widow's pension or children's pension shall be payable under these Rules unless the contributing service of the officer is, or exceeds, ten years.

9. If

(*a*) the aggregate of the officer's contributing service is less than ten years ; or

(*b*) his service in a public office is terminated, otherwise than by his death or direct transfer to another public office or by his final retirement, in circumstances not entitling him to a retiring award, either at the date of his retirement or on attaining a particular age ;

all contributions made by him pursuant to section seven of the Act, or to the corresponding Regulations applicable to his employment under a contributing authority, shall be returned to him with compound interest at such rate or rates as the Treasury may from time to time determine, and no contribution shall be made in respect of him under section nine of the Act, or any corresponding provision in the system of superannuation applicable to his employment under a contributing authority.

10. Where an officer has retired from service in a public office which is not a contributing authority, the widow's and children's pensions payable on his death shall be calculated and apportioned among the contributing authorities by whom he was employed as if he had died on the date when he was transferred from the service of the contributing authority under whom he last served.

11. In the case of an officer in respect of whom the following conditions are fulfilled—

(i) that he became employed in non-contributing service after the 14th July, 1949 ; and

(ii) that immediately before he became so employed he was a civil servant to whom Part I of the Act applied ; and

(iii) that he died in the non-contributing service ; and

(iv) that the authority by whom he was employed at the date of his death have paid to the Treasury a sum equal to the amount of the contribution which would have fallen to be made in respect of him under section nine of the Act if he had died on the last day on which he was employed as a civil servant ;

the Treasury may grant in respect of him such widow's pension and children's pensions as might have been granted if he had died on the last day of which he was employed as a civil servant.

PART 2.—DEPENDANTS' PENSIONS

12. Part II of the Act shall have effect in relation to an officer to whom these Rules apply subject to the modifications contained in this Part of these Rules.

13.—(1) For the purpose of calculating the annual rate of any pensions payable under Part II of the Act on the death of an officer, the expression "the rate of the superannuation allowance of the nominator" in Part II of the Act shall be construed as meaning the annual rate of the superannuation allowance for which the officer would or might have become eligible under the Public Offices Rules if the aggregate of the periods of his service mentioned in the next succeeding paragraph, and no other periods of service, had been or were to be taken into account for the purposes of an award under those Rules.

(2) The said periods of service are—

(i) any period of his service in the Civil Service of the State which is, or is reckonable under the Superannuation Acts, 1834 to 1949, as, service in the capacity of a Civil Servant;

(ii) any period of service in a public office which terminated prior to the date when, being then a Civil Servant, the officer made a nomination pursuant to Part II of the Act and in respect of which the public office has agreed to pay such proportion of the award of pension under Part II of the Act as is specified in the next succeeding Rule;

(iii) any period of service in a public office, being a public office which has adopted a system of superannuation whereunder provision is made for the payment of pensions to persons of the classes of persons specified in section twenty-three of the Act and for the making by the officer of contributions towards the cost of that system, which commenced after the date when, being then a civil servant, the officer made a nomination pursuant to Part II of the Act.

14. The total amount of the award of pension under the immediately preceding Rule shall be apportioned among the Treasury and the public offices mentioned in paragraph (2) of Rule 13 hereof in the like proportions that the superannuation allowance mentioned in paragraph (1) of that Rule would or might have fallen under the Public Offices Rules to be apportioned among them upon the officer's final retirement.

15. Section twenty-two of the Act shall apply in relation to an officer as if the references therein—

(i) to an additional allowance or a gratuity under section two of the Superannuation Act, 1909, were references to the corresponding allowance or gratuity under the Public Offices Rules;

(ii) to periodical contributions included references to similar contributions made to a public office;

(iii) to a person ceasing to be a civil servant, were to him ceasing to be an officer to whom these Rules apply; and

(iv) to reckonable service, were to service which is to be taken into account pursuant to Rule 13 hereof.

16. The contribution falling to be made under section twenty-two of the Act (as modified by the immediately preceding Rule) shall be apportioned among the authorities mentioned in Rule 14 hereof in the like proportions that the award of pension falls under that Rule to be apportioned among them.

17. No pension shall be payable under this part of these Rules unless the service of the officer which falls to be taken into account pursuant to Rule 13 hereof is, or exceeds, ten years.

18. If

(*a*) the aggregate of the officer's service which falls to be taken into account pursuant to Rule 13 hereof is less than ten years ; or

(*b*) his service in a public office is terminated, otherwise than by his death or direct transfer to another public office or by his final retirement, in circumstances not entitling him to a retiring award, either at the date of his retirement or on attaining a particular age ;

all contributions made by him pursuant to section twenty of the Act, or to the corresponding Regulations applicable to his employment under such an authority as is mentioned in paragraph (2) of Rule 13 hereof, shall be returned to him with compound interest at such rate or rates as the Treasury may from time to time determine, and no contribution shall be made in respect of him under section twenty-two of the Act or any corresponding provision in the system of remuneration applicable to his employment under such an authority as aforesaid.

PART III. APPLICATION OF SECTION 32 OF THE ACT AND GENERAL PROVISIONS

19. Section thirty-two of the Act shall have effect in relation to an officer who retires from the Civil Service upon a medical certificate as though the references therein to a superannuation allowance and to an additional allowance included references to corresponding allowances payable under the Public Offices Rules.

20. Where—

(i) an officer retires from the Civil Service in circumstances which make him eligible for the grant of an increased superannuation allowance and additional allowance under the said section thirty-two ; or

(ii) an officer retires from a public office which has adopted a system of superannuation containing provisions corresponding to those contained in section thirty-two of the Act in circumstances which make him eligible, under those corresponding provisions, to increased superannuation allowances ;

the amount of the allowances granted to him shall be apportioned and paid by the Treasury and the public offices in accordance with the provisions of Rules 5, 6 and 7 of the Public Offices Rules.

21. No period of service by an officer in a public office (not in the civil service of the State) which falls to be treated in accordance with the provisions of Rule 9 of the Public Offices Rules shall be taken into account for the purpose of an award of pension under Part I or Part II of the Act or Part I or Part II of these Rules and no contributions shall be payable thereunder in respect of such period of service.

22.—(1) Where—

(*a*) an officer retires from the civil service or from a public office in the circumstances mentioned in (i) or (ii) of Rule 20 hereof ; and

(*b*) the authority from whose service he retires determines to grant him a separate pension in accordance with the provisions of Rule 9 of the Public Offices Rules ; and

(*c*) the aggregate number of years of his service in all the public offices held by him is less than twenty years, or, as the case may be, the shorter period mentioned in subsection (2) of section thirty-two of the Act, or in any corresponding provision in the system of superannuation adopted by the public office,

there may be granted to him by the authority from whose service he retires such pension as may be requisite in order that the aggregate amount of the pensions granted to him by virtue of Rule 9 of the Public Offices Rules shall be equivalent to the aggregate amount which would have been so granted if the aggregate number of years of his service in all the public offices held by him had been twenty years, or, as the case may be, the shorter period mentioned in sub-paragraph (*c*) of this paragraph.

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

Dated this 15th day of July, 1949.

R. J. Taylor,

Joseph Henderson,

Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

Rules made by the Treasury in 1911 provided for the aggregation, in certain circumstances, of established service in two or more Public Offices for the purpose of the award of retirement pension.

Section 54 of the Superannuation Act, 1949, provides that the provisions of that Act relating to the increase of superannuation benefits in cases of retirement for ill-health with less than twenty years service and to the payment of pensions to the widows and dependants of civil servants shall apply in the case of service in two or more public offices subject to such adaptations and modifications as may be prescribed by Rules made by the Treasury.

The present Rules make the necessary provision.

(9) RECKONING OF CERTAIN PREVIOUS SERVICE

(i) *Local Authority Officers.* | (ii) *Silicosis Medical Officers*, p. 3047.

(i) LOCAL AUTHORITY OFFICERS

The Superannuation (Reckoning of Certain Previous Service) Rules, 1949

1949 No. 1803

Made - - - -	*26th September*, 1949
Laid before Parliament	*27th September*, 1949
Coming into Operation	*28th September*, 1949

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by Sections 4 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), and of all other powers enabling Them in that behalf, hereby make the following Rules:—

1. These Rules may be cited as the Superannuation (Reckoning of Certain Previous Service) Rules, 1949.

2.—(1) In these Rules the following expressions, that is to say:—"Civil Servant", "Service to the State in an unestablished capacity", "Local Act Scheme", "Pensionable employment", "War Agricultural Executive Committee" have the meanings respectively assigned to them by the Superannuation (Miscellaneous Provisions) Act, 1948.

(2) The "Superannuation Acts" means the Superannuation Acts, 1834 to 1946.

(3) The expressions "Contributing service" and "non-contributing service" have the meanings respectively assigned to them by the Local Government Superannuation Act, 1937(b), and the Local Government Superannuation (Scotland) Act, 1937(c).

(4) "Death gratuity" means a gratuity which may be granted under Section 2 of the Superannuation Act, 1909(d).

(5) The expression "Annual superannuation allowance" means any annual superannuation, compensation or retiring allowance payable to a civil servant under the Superannuation Acts but does not include any additional allowance which may be granted under Section 1 of the Superannuation Act, 1909.

(6) Reference in these Rules to the provisions of any enactment shall be construed, except where the context otherwise requires, as references to those provisions as amended or re-enacted by any subsequent enactment.

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

(a) 11 & 12 Geo. 6. c. 33. (b) 1 Edw. 8 & 1 Geo. 6. c. 68.
(c) 1 Edw. 8 & 1 Geo. 6. c. 69. (d) 9 Edw. 7. c. 10. (e) 52 & 53 Vict. c. 63.