(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.

3.—(1) In this and in the next succeeding Rule the expression "officer" means a person who, having been employed in one or more of the following employments, that is to say—

(*a*) as officer or servant of a Local Authority in service all or any part of which was not pensionable employment; or

(*b*) in any other employment service in which was not then pensionable but was service in respect of which that person would, if he 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 such employment (which employment is hereinafter referred to as the "former employment") before the date specified in the next succeeding paragraph in order to become a civil servant in the department of the Assistance Board.

(2) The date for the purpose of the foregoing paragraph is such date (being a date before the 28th May, 1948), as from which a superannuation fund in the benefits of which the officer would or might have been entitled to participate had he continued in his former employment was authorised to be maintained.

(3) Subject to the provisions of Rule 4 hereof such part of the officer's service in the former employment as he would have been entitled to reckon as non-contributing service for the purposes of the Local Government Superannuation Act, 1937, the Local Government Superannuation (Scotland) Act, 1937, or a Local Act Scheme, had he continued in his former employment, shall, as to one half thereof, be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

Provided that in any case where the Treasury are satisfied that had the officer continued in his former employment he would have had a reasonable expectation of receiving a superannuation allowance, in respect of such part of his service in the former employment as he would have been entitled to reckon as aforesaid, of more than half the superannuation allowance payable in respect of a similar period of contributing service, the Treasury may direct that some higher proportion, not exceeding the whole, of the said part of his former service shall be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant.

4. Where any officer has retired before the coming into force of these Rules, Rule 3 hereof shall apply only in relation to the annual superannuation allowance paid or payable to him in respect of any period after the 28th May, 1948, and not otherwise.

5. Where a person, having been employed by the Safety in Mines Research Board, became a civil servant before the 13th July, 1946, his continuous service in such employment immediately before his becoming a civil servant shall, as to one half of the period thereof, be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant.

6. Where any person, having been employed as mentioned in the immediately preceding Rule, became, before the 13th July, 1946, a person employed in service to the State in an unestablished capacity his continuous service in the employment of the Safety in Mines Research Board immediately before he became employed in service to the State shall be reckoned for the purposes of the Superannuation Acts as if it had been service to the State in an unestablished capacity.

7. Where a person, having been employed by a War Agricultural Executive Committee, became a civil servant before the 17th February, 1948, his continuous service in such employment immediately before his becoming a civil servant shall, as to one half of the period thereof, be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant.

8. Where a person, having been employed as mentioned in the immediately preceding Rule, became, before the 17th February, 1948, a person employed in service to the State in an unestablished capacity, his continuous service in the employment of such War Agricultural Executive Committee immediately before he became employed in the service of the State shall be treated for the purposes of the Superannuation Acts as if it were service to the State in an unestablished capacity and, if he was employed in service to the State on 28th May, 1948, shall be so treated for the purposes of Section 39 of the Superannuation Act, 1949(a), or of any enactment repealed by that Section, notwithstanding that he ceased to be so employed before the coming into force of these Rules.

9. The two immediately preceding Rules shall have effect in relation to any person becoming a civil servant in Scotland, or becoming employed in Scotland in service to the State in an unestablished capacity, as if the references therein to the 17th February, 1948, were references to the 2nd December, 1947.

10.—(1) In the case of a person who, having been employed in the body which, at the time it ceased to exist, was known as "K" Signals Company of the Royal Corps of Signals, became before the 31st December, 1924, a civil servant employed in the Post Office, his continuous service in the employment of the said body shall, subject to the provisions of paragraph (2) of this Rule, be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant.

(2) Where any person to whom this Rule applies retired from the Civil Service before the coming into force of these Rules the provisions of paragraph (1) hereof shall apply only in relation to

(*a*) the annual superannuation allowance payable to him in respect of any period after the 28th May, 1948; and

(*b*) any additional allowance or death gratuity paid or payable to or in respect of him.

11.—(1) Where a person who, having been employed by the body known as the "Meteorological Committee", became a civil servant before the 28th May, 1948, in the Meteorological Office of the Secretary of State, his continuous service in the employment of the said body prior to the 1st April, 1920, shall be reckoned for the purposes of the Superannuation Acts as if it were service to the State in an unestablished capacity.

(2) In the case of a person who, having been employed as mentioned in the immediately preceding paragraph, became, during the year 1920, subject to a superannuation scheme operated under the Federated Superannuation System for Universities and who on the coming into force of these Rules is

(*a*) still so subject, and

(*b*) employed in service to the State

(a) 12, 13 & 14 Geo. 6. c. 44.

the Secretary of State may make a payment (hereinafter referred to as " the insurance contribution ") for the benefit of such person in manner hereinafter provided.

(3) The insurance contribution shall be a sum which shall be calculated in the following manner:—

(*a*) There shall be determined by the Treasury, as respects each year of the person's continuous service in the employment of the Meteorological Committee prior to the 1st April, 1920, the sum (in this Rule referred to as " the annual contribution ") which is equivalent to 5 per cent. of the salary and emoluments received by him in that year;

(*b*) There shall be further determined by the Treasury in respect of each annual contribution the sum (in this Rule referred to as " the interest addition ") which is equivalent to compound interest at the rate of 3 per cent. per annum, with annual stops, on that annual contribution from the end of the year in respect of which it was determined until the date when the insurance contribution is applied in manner provided by the next succeeding paragraph of this Rule;

(*c*) The insurance contribution shall be a sum equivalent to the aggregate of the annual contributions and the interest additions determined in respect of the period of the person's continuous service with the Meteorological Committee, prior to the 1st April, 1920.

In this paragraph the expression " year of the person's continuous service with the Meteorological Committee " means the period (if it is, or is shorter than, 12 months) from the date of the commencement of that service until the 1st April, 1920, or, if the said period is longer than 12 months, each succeeding 12 months thereof, and shall include any period which is shorter than 12 months which elapsed between the expiration of the last such period of 12 months and the 1st April, 1920.

(4) The insurance contribution shall be applied by the Secretary of State in such manner as may be provided in the superannuation scheme operated under the Federated Superannuation System for Universities to which that person is subject for the application of contributions paid under that Scheme.

(5) In the case of a person who retired from service to the State before the coming into force of these Rules and to whom paragraph (2) of this Rule would have applied had these Rules been in force at the date of his retirement, the Secretary of State may make a payment to or in respect of him of a sum determined in accordance with paragraph (3) of this Rule save that in applying the provisions of that paragraph the references therein to the date when the insurance contribution is applied in accordance with paragraph (4) of this Rule shall be deemed to be references to the date when the payment is made in accordance with the provisions of this paragraph.

(6) For the purposes of this Rule no account shall be taken of any period for which a person served in the Meteorological Office of the Secretary of State before attaining the age of 18 years and references to the period of a person's continuous service with the Meteorological Committee prior to the 1st April, 1920, and to the commencement of that service shall be construed accordingly.

12. Paragraphs (*a*) and (*b*) of subsection (2) of section three of the Superannuation Act, 1935(**a**), (which enables the Treasury to direct that discontinuous periods of unestablished service shall be taken into account for

(**a**) 25 & 26 Geo. 5. c. 23.

the purposes of that section in the manner therein specified) shall apply for the purposes of Rules 5, 6, 7, 8, 10 and 11 hereof, as if the references in the said paragraphs to subsection (1) of the said section three and to periods of service in an unestablished capacity, were, respectively, references to Rules 5, 6, 7, 8, 10 and 11 hereof, and to periods of service in employment by the Safety in Mines Research Board a War Agricultural Executive Committee, in the "K" Signals Company of the Royal Corps of Signals, and in employment by the Body known as the "Meteorological Committee".

13. These Rules shall come into force on the 28th day of September, 1949.

Dated this 26th day of September, 1949.

Robert J. Taylor,
Richard Adams,
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 apply to certain ex-Local Authority officers who were employed by the Assistance Board on its formation in 1934 and to four other classes of persons who have at various times in the past been transferred, with their work, to the Civil Service. They provide that the previous service rendered by such persons in the employment in which they were transferred shall be treated for superannuation purposes as though it had been service in a Government Department.

(ii) SILICOSIS MEDICAL OFFICERS

The Superannuation (Transfer of Silicosis Medical Officers) Rules, 1949

1949 No. 168

Made - - - -	1*st February*, 1949
Laid before Parliament	2*nd February*, 1949
Coming into Operation	3*rd February*, 1949

The Lords Commissioners of His Majesty's Treasury in exercise of the powers conferred upon Them by Section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948(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 (Transfer of Silicosis Medical Officers) Rules, 1949.

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

(a) 11 & 12 Geo. 6. c. 33. (b) 52 & 53 Vict. c. 63.