Provided that for the purpose of any provision of the Act of 1937 or any local Act scheme relating to the return of contributions on a person ceasing to be employed or dying any payments made under this rule shall be disregarded."

Dated this 12th day of January, nineteen hundred and fifty-two.

James Stuart,
One of His Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.

EXPLANATORY NOTE

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

These rules amend the Superannuation (Local Government Staffs) (National Service) (Scotland) Rules, 1949, in consequence of the passing of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and are given retrospective effect to a limited extent under the express powers of section 44 of that Act.

Rule 2 extends the existing definition of national service to include service of a description specified in paragraph 1, 2, 3, 4 or 7 of the Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and is designed thus to make that service pensionable under the rules of 1949. The rule also amends the definition so as to make it embrace certain classes of conscientious objector not technically covered by the existing definition, and adds a definition of national service pay to the rules of 1949.

Rule 3 excepts from the requirement to make contributions for pension purposes certain persons whose service in the Armed Forces is by the rules made national service within the meaning of the extended definition, and limits the requirement in certain other cases.

Rule 4 regulates the liability of the authority or body by whom a person on national service was formerly employed to make payments to the appropriate superannuation fund.

1952 No. 135

The Superannuation (Reserve and Auxiliary Forces) Rules, 1952

Made - - - -	*25th January,* 1952
Laid before Parliament	*30th January,* 1952
Coming into Operation	*1st February,* 1952

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), (hereinafter referred to as "the Act"), as amended and extended by sections 41 and 44 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(b), 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 (Reserve and Auxiliary Forces) Rules, 1952.

(a) 11 & 12 Geo. 6. c. 33. (b) 14 & 15 Geo. 6. c. 65.

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

(3) These Rules will come into operation on the 1st day of February, 1952.

2.—(1) In these Rules, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

(*a*) " compulsory national service " has the meaning assigned to it by subsection (i) of section 64 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, that is to say, service undertaken by virtue of an enlistment notice or a training notice served under Part 1 of the National Service Act, 1948(b), or work or training in pursuance of an order made or given under the said Part 1 as respects a conditionally registered conscientious objector ;

(*b*) " relevant service " means service of a description specified in the First Schedule to the Act other than compulsory national service, being service which commenced on or after the 15th day of July, 1950 ;

(*c*) " any further period of relevant service " means, in relation to any person to whom these Rules apply, any further period which immediately follows that person's relevant service and during which, with the consent of the Head of his Department, he continues in service, work or training similar to his relevant service ;

(*d*) " non-effective pay " means such naval, military, or air force retired pay, service pension, service gratuity or terminal grant as the Treasury may from time to time determine ;

(*e*) " service to the State in an unestablished capacity " has the same meaning as in section 17 of the Act, that is to say, employment in the civil service of the State otherwise than as a civil servant, being employment to which the person serving therein is required to devote his whole time, and the remuneration for which is paid entirely out of moneys provided by Parliament ;

(*f*) " civil servant " has the meaning assigned to it by section 17 of the Act, that is to say, a person serving in an established capacity in the permanent civil service of the State within the meaning of section 17 of the Superannuation Act, 1859(c) ;

(*g*) " superannuation benefit " includes any gratuity granted under the provisions of the Superannuation Acts, 1834 to 1950(d), a superannuation allowance under section 2 of the Superannuation Act, 1859, either as originally enacted or as amended by any subsequent Act, an additional allowance under subsection 2 of section 1 of the Superannuation Act, 1909(e), either as originally enacted or as amended by any subsequent Act, and any widows', children's or dependants' pension which may be granted under Part I or Part II of the Superannuation Act, 1949(f) ;

(*h*) " prescribed " means prescribed by the Treasury.

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

3. Subject to the provisions of Rules 5 and 6 hereof—

(*a*) where a person, immediately before he enters upon relevant service, is a civil servant, the period of his relevant service, and any further period of relevant service, shall be treated for the purposes of the Superannuation Acts, 1834 to 1946(g), as service as a civil servant ;

(a) 52 & 53 Vict. c. 63. (b) 11 & 12 Geo. 6. c. 64.
(c) 22 Vict. c. 26. (d) *See* 14 & 15 Geo. 6. c. 2. (e) 9 Edw. 7. c. 10.
(f) 12, 13 & 14 Geo. 6. c. 44. (g) *See* 9 & 10 Geo. 6. c. 60.

(*b*) where a person, immediately before he enters upon relevant service, is serving the State in an unestablished capacity, the period of his relevant service and any further period of relevant service, shall be treated for the purpose of the Superannuation Acts, 1834 to 1946, as service to the State in an unestablished capacity.

4. Subject to the provisions of Rules 5 and 6 hereof, where a person who has been successful in a competitive examination for persons desiring to obtain posts in the permanent civil service of the State, or who has been nominated by a Government Department, with the approval of the Treasury, for appointment to such a post, enters upon relevant service before becoming a civil servant, then so much of the period of his relevant service as falls after the date on which the Civil Service Commissioners issue their certificate of qualification in relation to him and any further period of relevant service shall be treated for the purposes of the Superannuation Acts, 1834 to 1946, as service as a civil servant.

5. When a person to whom these Rules apply has received non-effective pay in respect of any part of his relevant service, then that part of his relevant service shall not be treated for the purposes of these Rules as civil service or as service to the State in an unestablished capacity (except for counting for the purposes of any of the provisions of the Superannuation Acts, 1834 to 1950, which prescribes a minimum period of service for the payment of any superannuation benefit) unless—

(*a*) that person makes an application to the Treasury in the prescribed form within six months of the date when he is employed or re-employed in the civil service of the State or within such further period as the Treasury, having regard to the circumstances of the case, may allow, and

(*b*) that person states in his application that he has refunded, or is willing to refund, any non-effective pay received in respect of any part of his relevant service which he desires to be treated as civil service or as service in an unestablished capacity, and that he surrenders his right to any further payment of such non-effective pay, and

(*c*) that person authorises any consequent adjustment of the payment of non-effective pay as from the date when it first became due.

6.—(1) Where an adjustment as aforesaid involves the repayment of any sum the application shall not be effective until repayment is made, provided that if the person dies before repayment is completed, the Treasury may deduct any sum outstanding from any award in respect of that person under the Superannuation Acts, 1834 to 1950, in such manner as they think fit.

(2) Where repayment of any sum falls to be made to any Department by instalments, the application shall not be effective until the Department to which the payment is due has certified to the Treasury that repayment is completed. If the repayment is not complete within two years of the date of the application, then the Treasury may declare the application to be null and void.

7. For the purpose of calculating the amount of any superannuation benefit payable to or in respect of any person to whom these Rules apply, that person shall be deemed to have been receiving, during the period of his

relevant service and any further period of relevant service, the remuneration which he would have been receiving if he had spent that period in the civil service of the State.

Dated this 25th day of January, 1952.

Herbert Butcher,
Edward Heath,
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 provide that when an established or unestablished civil servant is called up for certain kinds of service with the Armed Forces, such service shall be treated for superannuation purposes as though he had continued to serve in the Civil Service. The relevant service is specified in paragraphs 1, 2, 3, 4 and 7 of the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951. Provision is also made in Rule 4 for certain persons who are called up before becoming civil servants. The Rules are retrospective to 15th July, 1950.

SUPERANNUATION ACTS

1952 No. 60

The Injury Warrant, 1952

Made - - - -	11*th January*, 1952
Laid before Parliament	15*th January*, 1952
Coming into Operation	16*th January*, 1952

By virtue of the powers conferred upon Us by section 41 of the Superannuation Act, 1949(a), We, being two of the Lords Commissioners of His Majesty's Treasury, do hereby direct as follows:—

PART I

Citation and Interpretation

1.—(1) This Warrant may be cited as the Injury Warrant, 1952.

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

(3) This Warrant shall come into force on the 16th day of January, 1952.

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

"The Act" means the Superannuation Act, 1949;

(a) 12, 13 & 14 Geo. 6. c. 44. (b) 52 & 53 Vict. c. 63.