1952 No. 930

The Superannuation (Teaching and Fire Service) Rules, 1952

Made - - - -	8*th May*, 1952
Laid before Parliament	9*th May*, 1952
Coming into Operation	16*th May*, 1952

The Minister of Education, with the consent of the Treasury, in exercise of the powers conferred upon her by Sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), hereby makes the following rules :—

PART I—INTRODUCTORY

1.—(1) These rules may be cited as the Superannuation (Teaching and Fire Service) Rules, 1952, and shall come into operation on the 16th day of May, 1952.

(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) In these rules, unless the context otherwise requires:—

(*a*) " the Act " means the Superannuation (Miscellaneous Provisions) Act, 1948 ;

" the Act of 1925 " means the Teachers (Superannuation) Act, 1925(c) ;

" the Act of 1937 " means the Local Government Superannuation Act, 1937(d) ;

" the Act of 1945 " means the Teachers (Superannuation) Act, 1945(e) ;

" the Teachers Acts " means the Teachers (Superannuation) Acts, 1918 to 1946 ;

" contributory service " and " recognised service " have the same meanings respectively as they have under the Teachers Acts, except that they do not include:—

(i) service which is treated as recognised or contributory service under Section 13 (2) (*g*) of the Act of 1925 ; or

(ii) service which, under the provisions of any scheme made under Section 21 (1) (*c*) of the Act of 1925, is treated in the same manner as service which is approved external service under Section 13 of the Act of 1925 ; or

(iii) recognised or contributory service in respect of which the teacher in question has received a return of contributions under the Teachers Acts, not being a return of contributions after last ceasing to be employed in contributory service, which he has not subsequently repaid to the Minister under the proviso to Section 12 (2) of the Act of 1925 ; or

(iv) service which is treated as recognised service or as contributory service merely for the purpose of determining whether the teacher in question has completed the period of service required by the Teachers Acts as necessary for any pension to be paid to or in respect of him or merely for that purpose and for the purpose of assessing his average salary under those Acts ;

(a) 11 & 12 Geo. 6. c. 33. (b) 52 & 53 Vict. c. 63.
(c) 15 & 16 Geo. 5. c. 59. (d) 1 Edw. 8 & 1 Geo. 5. c. 68.
(e) 8 & 9 Geo. 6. c. 14.

"fire authority" means the authority to whom notice is given under Rule 3 (2) (*c*) (i);

"fireman" means a member of a fire brigade of a class prescribed by the Firemen's Pension Scheme for the purposes of Section 2 of the Fire Services Act, 1951(**a**);

"The Firemen's Pension Scheme" means the scheme for the time being in force under Section 26 of the Fire Services Act, 1947(**b**);

"the Minister" means the Minister of Education;

"pension" has the meaning assigned to that expression by the Act;

"teacher" includes any person who is treated as a teacher for the purposes of the Teachers Acts;

(*b*) other expressions which have meanings assigned to them by any of the above-mentioned Acts shall have the same respective meanings for the purposes of these rules;

(*c*) any reference to the provisions of any enactment, rules or regulations shall be construed as a reference to those provisions as amended by any subsequent enactment or other instrument.

2.—(1) Part II of these rules contains provisions as to pensions payable to persons transferring from employment in contributory service to employment as a fireman.

(2) Part III of these rules provides for the treatment as approved external service of employment as a fireman.

PART II—TRANSFER FROM EMPLOYMENT IN CONTRIBUTORY SERVICE TO EMPLOYMENT AS A FIREMAN

3.—(1) Where a person, without having become entitled to pension under the Teachers Acts other than a return of contributions, enters or has, before the date of the coming into operation of these rules, entered employment as a fireman within twelve months after ceasing to be employed in contributory service, a transfer value in respect of his recognised service (if any) and his contributory service, other than contributory service under a scheme made under Section 21 (1) (*a*) of the Act of 1925, shall be paid by the Minister in accordance with the provisions of Rule 9 of these rules and save as provided in these rules, no return of contributions in respect of the service for which such transfer value is paid shall be made under the Teachers Acts to him or his legal personal representatives.

(2) This Part of these rules shall apply to a person as aforesaid notwithstanding that the cessation of his employment in contributory service or the commencement of his employment as a fireman was before the date of the coming into operation of these rules or before the 28th May, 1948, being the date of the passing of the Act, but shall not apply—

(*a*) to a person who has not been employed in recognised or contributory service other than contributory service under a scheme made under Section 21 (1) (*a*) of the Act of 1925; or

(*b*) to a person who entered employment as a fireman before the date of the coming into operation of these rules if he ceased to be so employed before that date otherwise than on transfer from one fire brigade to another with the consent of the authority maintaining the brigade from which he transferred; or

(a) 14 & 15 Geo. 6. c. 27. (b) 10 & 11 Geo. 6. c. 41.

(*c*) to a person who does not, within three months after the date on which he first enters employment as a fireman or within six months after the date of the coming into operation of these rules, whichever is the later date—

(i) give notice in writing to the authority by whom he is employed as a fireman that he desires this Part of these rules to apply to him and furnish that authority with particulars of his previous pensionable employment ; and

(ii) pay to the fire authority an amount equal to any return of contributions made to him under the Teachers Acts after he last ceased to be employed in contributory service:

Provided that in the case of a person who entered employment as a fireman on the 1st April, 1948, or in Scotland, on the 16th May, 1948, and was immediately before that date pensionable in respect of service in a permanent capacity in the National Fire Service by virtue of the Teachers' Superannuation (War Service) Act, 1939(**a**), this sub-paragraph shall have effect as though the reference to the fire authority by whom he is employed as a fireman were a reference to the authority by whom he became employed on that date.

4. Where a person to whom this Part of these rules applies was, at the date on which he ceased to be in contributory service, in course of paying to the Minister, as a condition of reckoning past service, any payments or contributions additional to those required by Section 9 of the Act of 1925 and undertakes to pay the balance of the said payments or contributions in accordance with the provisions of the Firemen's Pension Scheme, the right of the Minister to receive the said balance shall lapse.

5. In the case of a person who becomes subject to the provisions of this Part of these rules, Section 124 (5) (*c*) of the Local Government Act, 1929(**b**), shall have effect as if any pension payable to or in respect of him were payable to or in respect of him under Part II of the Act of 1925.

6.—(1) Where a person having previously been employed in recognised or contributory service becomes employed in service in Scotland which is approved external service for the purposes of Section 13 (1) (*a*) of the Act of 1925 and subsequently enters employment as a fireman, then, if a transfer value in respect of his approved external service becomes payable to the fire authority under rules made by the Secretary of State under Section 2 of the Act, a transfer value in respect of his recognised service, if any, and his contributory service, other than contributory service under a scheme made under Section 21 (1) (*a*) of the Act of 1925, shall be payable by the Minister to the fire authority.

(2) Where a person having previously been employed in contributory service becomes employed in service which is reckonable as contributing service for the purposes of the Act of 1937 and subsequently enters employment as a fireman, then, if a transfer value in respect of his service under that Act is payable to the fire authority under rules made by the Minister of Housing and Local Government under Section 2 of the Act, a further transfer value shall be payable by the Minister to the fire authority in respect of—

(*a*) that person's recognised service, if any, and his contributory service other than contributory service under a Scheme made under Section 21 (1) (*a*) of the Act of 1925 ; and

(*b*) that person's service which is reckonable as non-contributing service under paragraph (*a*) of the proviso to Section 17 (1) of the Act of 1937.

(a) 2 & 3 Geo. 6. c. 95. (b) 19 & 20 Geo. 5. c. 17.

7. In the case of an Organiser any part of whose service before the 1st April, 1926, is, by virtue of Section 14 (2) of the Act of 1925 and of this Part of these rules, not reckonable in the calculation of the transfer value payable by the Minister under Rule 9, the Local Education Authority by whom he was last employed in contributory service may pay to or in respect of him the amounts by which the pension granted to him when he ceases to be employed as a fireman would have been increased if his service before the said date had been treated as recognised service.

8. Where a person to whom this Part of these rules applies ceased to be employed as a fireman and becomes employed in contributory service in circumstances in which Part III of these rules does not apply to him, any Service in respect of which a transfer value was paid by the Minister under this Part of these rules shall be treated under the Teachers Acts as qualifying service.

9.—(1) In respect of any person to whom this Part of these rules applies, not being a person to whom rule 6 of these rules applies, the transfer value to be paid by the Minister shall be paid to the fire authority and shall be an amount equal to the transfer value which would have been payable under the provisions of the Local Government Superannuation (Transfer Value) Regulations, 1939(**a**), if that person, at the date when he ceased to be employed in contributory service, had ceased to be a contributory employee within the meaning of the Act of 1937 under one local authority and been entitled to reckon his recognised service (if any) and his contributory service as contributing service under the said Act and had become such an employee under another local authority:

Provided that—

(i) the transfer value payable in respect of a person who ceased to be employed in contributory service more than twelve months before the date of the coming into operation of these rules shall be calculated by reference to his age at that date;

(ii) the provisions of the said Regulations of 1939 for the reduction of the transfer value shall be deemed to refer to the amount equal to any return of contributions or, as the case may be, to the balance of payments or contributions referred to in rule 3 (2) (*c*) (ii) or rule 4 of these rules; and

(iii) Royal Air Force teaching service which is reckoned as recognised or contributory service at one-and-a-half times its actual length under the Scheme made on the 2nd May, 1930(**b**), under Section 21 (1) (*b*) of the Act of 1925, shall be computed in like manner for the purposes of this rule.

(2) The foregoing provisions of this rule shall apply to a person to whom rule 6 of these rules applies:

Provided that—

(*a*) in respect of a person to whom rule 6 (1) of these rules applies, the transfer value to be paid by the Minister shall be calculated by reference to—

(i) the salary which that person was receiving in respect of his service in Scotland on the date when that service ceased; and

(ii) that person's age at the date when his service in Scotland ceased or, if that service ceased more than 12 months before the date of the coming into operation of these rules, his age at the last mentioned date; and

(a) S.R. & O. 1939/329; Rev. XVII, p. 847; 1939 II, p. 2604.
(b) S.R. & O. 1930/309; Rev. VI, p. 454; 1930, p. 486.

(*b*) in respect of a person to whom rule 6 (2) of these rules applies—

(i) the transfer value to be paid by the Minister shall be calculated by reference to that person's age at the date when he ceased to be employed in contributing service under the Act of 1937 or, if he so ceased more than 12 months before the date of the coming into operation of these rules, his age at the last mentioned date ; and

(ii) that person's service which is reckonable as non-contributing service under paragraph (*a*) of the proviso to Section 17 (1) of the Act of 1937 shall be similarly reckoned in calculating the transfer value to be paid by the Minister.

Part III—Treatment as Approved External Service of Employment as a Fireman

10.—(1) The employment of a person as a fireman shall be treated as approved external service for the purposes of Section 13 of the Act of 1925—

(*a*) if that person is a person to whom Part II of these rules applies and has been employed in contributory service under a scheme made under Section 21 (1) (*a*) of the Act of 1925 at any time before entering employment as a fireman, in which case his employment so treated as approved external service shall include his recognised or contributory service in respect of which a transfer value is paid by the Minister to the fire authority ; or

(*b*) if that person is a person to whom Part II of these rules does not apply, but who has been employed in contributory service whether under a scheme as aforesaid or otherwise at any time before entering employment as a fireman ;

and where the employment of a person as a fireman is so treated, paragraphs (*c*), (*d*) (ii) and (*e*) of sub-section (2) of the said Section 13 shall apply to such employment as they apply to the categories of approved external service therein mentioned.

In reckoning aggregate service for the purposes of the said paragraphs (*d*) (ii) and (*e*), the period of employment as a fireman to be treated as approved external service shall be treated as approved external service in accordance with the following provisions:—

(*a*) completed years up to 20 shall be reckoned at their actual length ;

(*b*) completed years beyond 20 and up to 30 shall be reckoned at twice their actual length ;

(*c*) any period beyond 30 completed years shall be ignored.

(2) Subject to the provisions of paragraph (1) of this rule Part II of the Act of 1925 with respect to the calculation of the average salary of a teacher shall have effect as if the reference therein to contributory and recognised service did not include a reference to service which is treated as approved external service by virtue of this rule.

Concur.

H. R. Mackeson,
Edward Heath,
Two of the Lords Commissioners of
Her Majesty's Treasury.

6th May, 1952.

Given under the official seal of the Minister of Education this 8th day of May, 1952.

Florence Horsbrugh,
Minister of Education.

EXPLANATORY NOTE

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

The purpose of these rules is to preserve the superannuation rights of persons who transfer from pensionable service under the Teachers Superannuation Acts to pensionable service under the Firemen's Pension Scheme by appropriate transfer value payments by the Minister of Education to the fire authority.

The retrospective application of the rules (subject to the right of the person concerned not to elect to come under them) is covered by the provisions of Section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948.

1952 No. 1012

The Superannuation (Teaching and Public Boards) Amending Rules, 1952

Made - - - -	21*st May*, 1952
Laid before Parliament	22*nd May*, 1952
Coming into Operation	2*nd June*, 1952

The Minister of Education, with the consent of the Treasury, in exercise of the powers conferred upon her by Sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), hereby makes the following rules:—

1. These rules may be cited as the Superannuation (Teaching and Public Boards) Amending Rules, 1952, and shall come into operation on the 2nd day of June, 1952.

2. The existing rules hereby amended are the Superannuation (Teaching and Public Boards) Rules, 1951(**b**).

3. For the removal of doubt, it is hereby provided that where the period of service of any person who transfers from Public Board employment to contributory service under the Teachers Acts is to be reckoned under Part III of the existing rules as contributory service, any period of his service which is reckonable at the time of his ceasing to be in Public Board employment as non-contributing service shall, as to one half thereof, be reckoned as contributory service:

Provided that the whole of any period of service as last-mentioned shall be reckoned as contributory service for the purpose of—

(*a*) determining whether the person in question has completed the period of contributory service required by the Teachers Acts as necessary for any pension to be paid to or in respect of him ; or

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(**a**) 11 & 12 Geo. 6. c. 33. (**b**) S.I. 1951/1852; 1951 II, p. 187.