fund. The rules also provide for cases where the teaching service is pensionable under Schemes made for Independent Schools under Section 21 (1) (*a*) of the Teachers (Superannuation) Act, 1925.

Where the rules are retrospective in effect, such retrospection is covered by the provisions of Section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948, subject to the right in such cases of the transferees or local authorities to elect that the rules shall not apply.

The Superannuation (Transfers between the Civil Service and Local Government) Rules, 1950

1950 No. 145

Made - - - -	27*th January*, 1950
Laid before Parliament	28*th January*, 1950
Coming into Operation	30*th January*, 1950

The Lords Commissioners of His Majesty's Treasury, the Minister of Health and the Secretary of State in exercise of the powers conferred on Them by Sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), and of all other powers enabling Them in that behalf hereby jointly make the following rules:

PART I

General

1.—(1) These rules may be cited as the Superannuation (Transfers between the Civil Service and Local Government) Rules, 1950.

(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 30th day of January, 1950.

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

(*a*) the following expressions have the meanings hereby respectively assigned to them—

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

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

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

"local government service" means service in—

(i) employment by virtue of which the person employed is or is deemed to be a contributory employee or local Act contributor within the meaning of the Act of 1937 or the Scottish Act of 1937; or

(ii) employment (not being such employment as is specified in sub-paragraph (i) hereof) by virtue of which the person employed is entitled to participate in any of the benefits of a superannuation fund maintained under a local Act scheme in England or Wales;

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

" national service " means, in relation to any person, service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Acts, 1939 to 1947, or the National Service Act, 1948(**a**), or work or training in pursuance of an order of a tribunal under Section 5 of the National Service (Armed Forces) Act, 1939(**b**), or Section 17 of the National Service Act, 1948, (which Sections relate to conscientious objectors), and includes any period immediately following the termination of such service during which the person with the consent of the Head of the Department in which, or the consent of the local authority by whom, he was employed immediately before undertaking his national service continues in similar service ;

" the Rules of 1935 " means the Unemployment Assistance Board (Superannuation) Rules, 1935(**c**) ;

" the Rules of 1936 " means the Local Government and Civil Service (Superannuation) Rules, 1936(**d**) ;

" the Superannuation Acts " means the Superannuation Acts, 1834 to 1949 ; and

" war service " means war service within the meaning of the Local Government Staffs (War Service) Act, 1939(**e**), but does not include, in the case of a person who before the termination of his war service made a claim under Section 10 of the Act of 1937, or Section 10 of the Scottish Act of 1937, or any corresponding provision of a local Act scheme, for the return of contributions made by him for superannuation purposes, any part of his war service after the date on which the claim was made ; and

(*b*) the following expressions have the meanings respectively assigned to them by the Act—

" civil servant " ;

" contributory employee ", " local Act scheme ", " local Act contributor " and " local authority " ;

" pension " ;

" pension scheme " ; and

" pensionable employment ".

(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, rules or regulations.

PART II

Provisions relating to officers transferring from Local Government Service to the Civil Service

3.—(1) This part of these rules shall apply to any person who—

(*a*) either—

(i) becomes employed as a civil servant within twelve months after ceasing to be employed in local government service, or

(ii) having been appointed to a post in the permanent civil service of the State within twelve months after ceasing to be employed in

(**a**) 11 & 12 Geo. 6. c. 64. (**b**) 2 & 3 Geo. 6. c. 81.
(**c**) S.R. & O. 1935 (No. 592) p. 1690. (**d**) S.R. & O. 1936 (No. 651) II, p. 2030.
(**e**) 2 & 3 Geo. 6. c. 94.

local government service, becomes employed as a civil servant, but owing to causes which in the opinion of the Treasury are reasonable does not become so employed until after the expiration of such twelve months, or

(iii) having left his employment in local government service in order to undertake war service, or having become engaged in national service immediately after leaving such employment, becomes employed as a civil servant within six months after the termination of such war service or national service, or

(iv) having left his employment in local government service in order to undertake war service, or having become engaged in national service immediately after leaving such employment, and having been appointed to a post in the permanent civil service of the state within six months after the termination of that service, becomes employed as a civil servant, but owing to causes which in the opinion of the Treasury are reasonable does not become so employed until after the expiration of such six months ; and

(*b*) has not become entitled to a pension other than a return of contributions in respect of his local government service, or, if he has become so entitled, is a person to whom neither the Rules of 1935 nor the Rules of 1936 apply ; and

(*c*) within three months after the date on which he becomes employed as a civil servant or within six months after the date of the making of these rules, whichever period last expires, notifies the Department in which he is then employed, or, if he has ceased to be employed as a civil servant, the Department in which he was last employed, that he desires these rules to apply to him, and furnishes such Department with particulars of his previous pensionable employment and war service or national service (if any) ; and

(*d*) if he has received any payment by way of a return of contributions in respect of his local government service, not being contributions made voluntarily for the purpose of securing benefits for his widow, children or other dependants, pays a sum equal to such payment to the Treasury within three months after the date on which he becomes employed as a civil servant or within six months after the date of the making of these rules, whichever period last expires, or within such longer period as the Treasury may allow in any particular case.

(2) Any reference in sub-paragraph (*a*) (1) of paragraph (1) of this rule to a period of twelve months after the date on which a person ceases to be employed in local government service shall be construed in relation to a person to whom Section 6 of the Act has become applicable as a reference to a period of five years after that date or such longer period as the Treasury may in any particular case allow.

(3) This part of these rules shall apply to such person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be employed in local government service or became employed as a civil servant before the coming into operation of these rules or the passing of the Act, provided that—

(*a*) if he has ceased to be employed as a civil servant before the coming into operation of these rules, the Treasury consent ; and

(*b*) if he is a person to whom neither the Rules of 1935 nor the Rules of 1936 apply—

(i) he ceased to be employed in local government service not earlier than the 4th day of February, 1948 ; and

(ii) the local authority maintaining the superannuation fund to which he was a contributor immediately before he became employed as a civil servant consents.

(4) In this part of these rules a person to whom this part of these rules applies is referred to as " the officer ", the local authority in whose service the officer last was before he became employed as a civil servant, or, if that authority has ceased to exist, the authority by whom the expenses of that authority were defrayable, is referred to as " the employing authority ", and the local authority maintaining the superannuation fund to which he was last a contributor before he became employed as a civil servant is referred to as " the fund authority ".

4.—(1) The period of the officer's service which is reckonable at the time of his ceasing to be employed in local government service as contributing service for superannuation purposes, or as service or a period of contribution for the purposes of a local Act scheme, and any period of war service or national service after the officer's ceasing to be employed in local government service which would have been reckonable as aforesaid, had the officer again become employed in local government service on the termination of his war service or national service, shall be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

Provided that—

(*a*) where, by virtue of a scheme modifying either the Act of 1937 or the Scottish Act of 1937, any period of service is reckoned at a fraction of its actual length for the purpose of calculating the transfer value paid by the fund authority under rule 5 of these rules, then only that fraction of that period of service shall be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant ; and

(*b*) in taking account of any service or period of contribution for the purposes of a local Act scheme, regard shall be had to the provisions of the schedule to these rules.

(2) Such part of the officer's service as is reckonable at the time of his ceasing to be employed in local government service as non-contributing service for superannuation purposes 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:

Provided that—

(*a*) for the purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him such part of his service as aforesaid shall be reckoned, as to the whole period thereof, as service in the capacity of a civil servant ; and

(*b*) where, in exercise of the powers conferred upon it by sub-paragraph (*a*) (i) of paragraph (1) of rule 5 of the Rules of 1935 or sub-paragraph (*a*) of paragraph (1) of rule 9 of the Rules of 1936, a local authority has passed a resolution in respect of the officer determining a higher rate

for calculation of benefits than one one-hundred-and-twentieth of his emoluments in respect of each completed year or part of a year exceeding six months of his non-contributing service, then for the purposes of these rules his non-contributing service shall be treated as though it were contributing service, but the length of such service shall be reckoned at such proportion only of its actual length as is obtained by multiplying the number of years of its actual length by sixty and by dividing the resulting figure by the denominator of the fraction constituting such higher rate as aforesaid.

(3) Where during his local government service the officer has been employed as a part-time employee, the period of his part-time service shall be treated for the purposes of these rules as though it were whole-time service for a proportionately reduced period.

(4) Any of the officer's service which is reckonable by virtue of Section 17 of the Act of 1937 as contributing or non-contributing service shall be disregarded for the purposes of these Rules.

5. The fund authority shall upon these rules becoming applicable to the officer pay to the Treasury in respect of him out of the superannuation fund maintained by such authority a transfer value of an amount equal to the transfer value which would have been payable under the Regulations for the time being in force by virtue of section 29 of the Act of 1937 or section 24 of the Scottish Act of 1937, as the case may be, had the officer at the date when he became employed as a civil servant ceased to be a contributory employee or a local Act contributor under one local authority and become such an employee or contributor under another local authority, less an amount equal to any sum which the trustees of the fund may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value :

Provided that—

(*a*) where the officer ceased to be employed in local government service more than twelve months before the coming into operation of these rules, the age which shall be taken into account for the purpose of calculating the transfer value payable under this rule shall be his age on the date when these rules come into force ; and

(*b*) the transfer value payable under this rule shall be calculated as if the words " other than such service as is mentioned in proviso (*a*) to that subsection " had been omitted from the definition of " service " in paragraph 1 of the First Schedule to the Local Government Superannuation (Transfer Value) Regulations, 1939(**a**), or the Local Government Superannuation (Transfer Value) (Scotland) Regulations, 1939(**b**), and as if there had been no reference in that definition to a person who had been an established officer or servant within the meaning of the Asylum Officers' Superannuation Act, 1909(**c**) (hereafter in this rule referred to as " the Act of 1909 ") ; and

(*c*) where the officer had before entering local government service been an established officer or servant within the meaning of the Act of 1909, as extended by any subsequent enactment, and had been a person to whom any regulations for the time being in force under Part V of the Second Schedule to the Act of 1937, or the Second Schedule to the Scottish Act, whether as originally made or as amended by any statutory provision, had been applicable, and where the body by whom he was

(a) S.R. & O. 1939 (No. 329) II, p. 2604.
(b) S.R. & O. 1939 (No. 559) II, p. 2614.
(c) 9 Edw. 7. c. 48.

last employed while subject to the Act of 1909 would, if he had become entitled to a superannuation allowance on ceasing to be employed in local government service, have been liable to contribute to that allowance, that body or the appropriate authority in relation to that body (as defined in paragraph (9) of Regulation 47 of the National Health Service (Superannuation) Regulations, 1947(a), or paragraph 9 of Regulation 48 of the National Health Service (Scotland) (Superannuation) Regulations, 1948(b), as the case may be), shall make a payment to the fund authority of an amount equal to the transfer value which that body or the appropriate authority would have been liable to pay to the Minister of Health under paragraph (3) of the first mentioned Regulation, or to the Secretary of State under paragraph (3) of the latter Regulation, if either of those Regulations had become applicable to the officer on the date when he became a civil servant, and where that body would in such circumstances as aforesaid have had, in respect of any such contribution to a superannuation allowance as aforesaid, a right of contribution from any other body, that other body or the appropriate authority in relation to that other body (so defined as aforesaid) shall make a payment to the fund authority of an amount equal to the transfer value which that other body or the appropriate authority would have been liable to pay to the Minister of Health under paragraph (4) of the first mentioned Regulation, or to the Secretary of State under paragraph (4) of the latter Regulation, if either of those Regulations had become applicable to the officer on the date when he became a civil servant.

6. Where the officer ceases to be employed as a civil servant in circumstances which do not render him eligible for a superannuation allowance under the Superannuation Acts, the Treasury may pay to or in respect of him whichever is the greater of the following sums:—

(*a*) a sum equal to the amount which might have been paid to or in respect of him under section 10 of the Act of 1937 or the Scottish Act of 1937, or, if in his local government service he was subject to a local Act scheme, under any similar provision in that scheme, if when he ceased to be employed in local government service he had ceased to be so employed in similar circumstances ; or

(*b*) such a sum as the officer may be eligible to receive or as may be paid in respect of him under the Superannuation Acts by way of a short service gratuity or a death gratuity.

7.—(1) If in his local government service the officer was not subject to a local Act scheme, the employing authority may, within six months after the date on which he becomes employed as a civil servant or within nine months after the date of the making of these rules, whichever period last expires, resolve that the whole or any part of his non-contributing service (if any) shall be reckonable as contributing service.

(2) Where the Act of 1937 or the Scottish Act of 1937 or any local Act or any local Act scheme contains provisions conferring a discretion on the employing authority, in calculating any superannuation benefit to which the officer might have become entitled on ceasing to be employed, to add a number of years to the number of years which the officer had actually served in the aggregate, the employing authority may, within six months after the date on which the officer becomes a civil servant or within nine months

(a) S.R. & O. 1947 (No. 1755) I, p. 1373. (b) S.I. 1948 (No. 412) I, p. 2478.

after the making of these rules, whichever period last expires, exercise that discretion in relation to him, notwithstanding that he has not become entitled to that benefit.

(3) Where the officer was during his employment in local government service subject to the Act of 1937 or the Scottish Act of 1937, and a scheme modifying either of those Acts conferred a discretion on the employing authority to increase in respect of any period of service the rate for calculation of any benefit to which he might have become entitled on ceasing to be employed, and that period of service would but for the provisions of this paragraph be reckonable at a fraction of its actual length for the purpose of calculating the transfer value payable by the fund authority under rule 5 of these rules, the employing authority may, within six months after the date on which he becomes employed as a civil servant or within nine months after the making of these rules, whichever period last expires, resolve that that period of service shall for that purpose be reckonable at its full length.

(4) For the purposes of rule 4 of these rules any period of the officer's non-contributing service in respect of which a resolution has been passed under paragraph (1) of this rule and any number of years added to the officer's service under paragraph (2) of this rule shall be deemed to be a period of service which is reckonable at the time of the officer's ceasing to be employed in local government service as contributing service, or as service or a period of contribution for the purposes of a local Act scheme, as the case may be.

(5) The preceding paragraphs of this rule shall not apply where the officer is a person to whom the Rules of 1935 or the Rules of 1936 have applied.

(6) Where the amount of any transfer value payable under rule 5 of these rules is increased in consequence of the exercise by the employing authority of any power conferred upon it by paragraph (1), (2) or (3) of this rule, or in consequence of the exercise of any of the powers referred to in proviso (*b*) to paragraph (2) of rule 4 of these rules, the employing authority shall repay the amount of the said increase to the superannuation fund out of which the transfer value is payable.

8. Where the officer has agreed to make, but had not during his employment in local government service completed making, additional contributory payments under the pension scheme applicable to him, not being a local Act scheme, the right to receive the balance of the debt shall be transferred to the Treasury, and the officer shall pay to the Treasury sums equal to the additional contributory payments which he would have been liable to make had he continued to be employed in local government service at the times at which and in the manner in which those additional contributory payments would have become due to the fund authority.

9. Notwithstanding anything in the Act of 1937 or the Scottish Act of 1937 or any local Act scheme, no payment shall be made thereunder by way of a return of contributions to any person to whom this part of these rules has become applicable.

10.—(1) In the case of an officer to whom either the Rules of 1935 or the Rules of 1936 apply, such Rules shall cease to apply to him upon his electing that these rules shall apply to him.

(2) The Rules of 1936 shall not apply to any person who becomes a civil servant after the date of the coming into operation of these Rules.

PART III

Provisions relating to certain Retired Officers who had transferred from Local Government Service to the Civil Service

11.—(1) This part of these rules shall apply to any person—

(*a*) who has before the date of the coming into operation of these rules become entitled to receive from a local authority an annual superannuation allowance or annuity under rule 5 of the Rules of 1935 or rule 9 of the Rules of 1936 ; and

(*b*) who within six months after the date of the making of these rules notifies the Department in which he was last employed that he elects that these rules shall apply to him ; and

(*c*) in respect of whom both the Treasury and the local authority maintaining the fund out of which his superannuation allowance or annuity is paid give their consent that this part of these rules shall apply to him.

(2) In this part of these rules a person to whom this part of these rules applies is referred to as " the officer ", and the local authority maintaining the fund to which he was last a contributor before he became employed as a civil servant is referred to as " the fund authority ".

12. From the date when the officer elects that these rules shall apply to him there shall be payable to him such a superannuation allowance as would have been payable to him if Part II of these rules had applied to him:

Provided that, in the case of an officer who ceased to be employed in local government service not earlier than the 4th day of February, 1948, such superannuation allowance as aforesaid shall be payable to him from the date when he ceased to be a civil servant, but the amount of any such allowance payable to him in respect of the period ending on the date when he elects that these rules shall apply to him shall be reduced by the aggregate of the amount of the superannuation allowance paid to him in respect of that period under the Superannuation Acts as modified by the Rules of 1935 or the Rules of 1936 and of the superannuation allowance or annuity paid to him in respect of that period under the Rules of 1935 or the Rules of 1936.

13.—(1) Where the officer ceased to be employed in local government service not earlier than the 4th day of February, 1948, there shall be payable to him a lump sum equal to the difference between the amount of any additional allowance which may have been granted to him and the amount of the additional allowance which would have been payable to him if Part II of these rules had applied to him.

(2) Where the officer ceased to be employed in local government service before the 4th day of February, 1948, nothing in these rules shall have the effect of increasing the amount of any additional allowance which may have been granted to him.

14. The fund authority shall upon the officer's electing that these rules shall apply to him pay to the Treasury in respect of him a transfer value of an amount equal to the capitalised value of the annual superannuation allowance or annuity which he had been receiving from the fund authority under rule 5 of the Rules of 1945 or rule 9 of the Rules of 1936, and such

capitalised value shall be calculated by reference to the officer's age at the date when he elects that these rules shall apply to him and by a method to be determined jointly by the Treasury, the Minister of Health and the Secretary of State.

15. The Rules of 1935 or the Rules of 1936 shall cease to apply to the officer upon his electing that these rules shall apply to him.

PART IV

Provisions relating to Officers transferring from the Civil Service to Local Government Service

16.—(1) This part of these rules shall apply to any person who—

(*a*) either—

(i) becomes employed in local government service within twelve months after ceasing to be employed as a civil servant, or

(ii) having become engaged in national service immediately after leaving his employment as a civil servant, becomes employed in local government service within six months after the termination of his national service; and

(*b*) has before changing his employment as aforesaid obtained the consent of the Head of the Department in which he ceased to be employed; and

(*c*) has not become eligible for a pension under the Superannuation Acts, or, if he has become so eligible, is a person to whom the Rules of 1936 do not apply; and

(*d*) within three months after the date on which he becomes employed in local government service or within six months after the date of the making of these rules, whichever period last expires, notifies the local authority by whom he is then employed, or, if he has ceased to be employed in local government service, the local authority by whom he was last employed, that he desires these rules to apply to him, and furnishes such local authority with particulars of his previous pensionable employment and national service (if any).

(2) This part of these rules shall apply to such person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be employed as a civil servant or became employed in local government service before the coming into operation of these rules or before the passing of the Act, provided that—

(*a*) he has been in local government service without a break of more than twelve months at any one time from the date when he ceased to be employed as a civil servant until the date of the coming into operation of these rules, or, if he has ceased to be employed in local government service before such date, until the date when he ceased to be in such service; and

(*b*) if he has ceased to be employed in local government service before the coming into operation of these rules, the local authority maintaining the superannuation fund to which he was last a contributor consents; and

(*c*) if he is a person to whom the Rules of 1936 do not apply—

(i) he ceased to be employed as a civil servant not earlier than the 4th day of February, 1948 ; and

(ii) the Treasury consent.

(3) In this part of these rules a person to whom this part of these rules applies is referred to as " the officer ".

17. The period of the officer's service which for the purposes of the Superannuation Acts is reckonable as service in the capacity of a civil servant, and any period of national service after the officer's ceasing to be employed as a civil servant which would have been reckonable as service in the capacity of a civil servant for the purposes of the Superannuation Acts, had the officer again become employed as a civil servant on the termination of his national service, shall, if the Treasury have paid a transfer value in respect of the officer under rule 19 of these rules, be reckoned as contributing service for the purposes of the Act of 1937 or the Scottish Act of 1937, or as service or a period of contribution for the purposes of a local Act scheme, as the case may be.

18. Where the officer is a person who, having become employed in local government service before the date of the coming into operation of these rules, ceased to be so employed before that date and again became or becomes so employed, the provisions of the Act of 1937 or the Scottish Act of 1937 and any local Act scheme relating to the reckoning of service on change of employment shall have effect as if the service in the capacity of a civil servant which he has become entitled to reckon by virtue of the last preceding rule in relation to the employment which he first entered after ceasing to be employed as a civil servant had been reckonable at the date when he ceased to hold that employment.

19. The Treasury may upon these rules becoming applicable to the officer pay to the local authority maintaining the superannuation fund to which the officer first becomes a contributor after ceasing to be employed as a civil servant a transfer value of an amount equal to the transfer value which would have been payable under the regulations for the time being in force by virtue of section 29 of the Act of 1937 or section 24 of the Scottish Act of 1937, as the case may be, if the officer at the date when he ceased to be employed as a civil servant had ceased to be a contributory employee or a local Act contributor under one local authority and had been entitled to reckon such service as is reckonable under rule 17 of these rules and had become a contributory employee or a local Act contributor under another local authority, less an amount equal to any sum which may become payable by way of income tax in respect of the amount transferred by way of transfer value :

Provided that where the officer ceased to be employed as a civil servant more than twelve months before the coming into operation of these rules the age which shall be taken into account for the purpose of calculating the transfer value payable under this rule shall be his age on the date when these rules come into force.

20.—(1) Where the officer ceases to be in local government service in the circumstances mentioned in sub-section (1) of Section 10 of the Act of 1937, or of the Scottish Act of 1937, or dies in the circumstances mentioned

in sub-section (3) of that section, he shall be deemed to have made to the appropriate superannuation fund during the period of his employment as a civil servant contributions of an aggregate amount equal to three-eightieths of the annual salary and emoluments of his office immediately before he ceased to be employed as a civil servant multiplied by the number of completed years of his service as a civil servant.

(2) In this rule " the annual salary and emoluments of his office " means the average annual amount of the salary and emoluments of his office during the last three years of his service as a civil servant, or, where the period of his said service is less than three years, the average annual amount of his salary and emoluments during the actual period of his said service.

21. Where the officer, before he ceased to be employed as a civil servant, was an insured person within the meaning of the National Insurance Act, 1946(a), or, if he ceased to be so employed before the 5th day of July, 1948, an insured person under the National Health Insurance Acts, 1936 to 1938, as amended by the National Health Insurance Contributory Pensions and Workmen's Compensation Act, 1941(b), or the Widows', Orphans' and Old Age Contributory Pensions Act, 1936(c), then—

(*a*) if he had been excepted from the operation of any provision (hereinafter in this rule referred to as " the modification provision ") modifying the officer's benefits under the Superannuation Acts, the provisions of any regulations made by the Minister of Health or the Secretary of State under sub-section (4) of section 69 of the National Insurance Act, 1946, shall not apply to him; and

(*b*) if he had not been so excepted, the provisions of the said regulations shall apply to him as if any service which he reckoned as contributing service or as service or a period of contribution for the purposes of a local Act scheme under rule 17 of these rules, being service of which account would have been taken under the modification provision for the purpose of reducing any benefit to which the officer might have become entitled under the Superannuation Acts had he continued to be subject thereto, were contributing service or a period of service for the purposes of a local Act scheme, as the case may be, rendered on or after the 5th day of July, 1948.

22. Where any part of the officer's service which for the purposes of the Superannuation Acts is reckonable as service in the capacity of a civil servant is attributable to service which before he became a civil servant was non-contributing service for local government superannuation purposes or for the purposes of the National Health Service (Superannuation) Regulations, 1947, or the National Health Service (Scotland) (Superannuation) Regulations, 1948, or which was treated as non-contributing service for the purposes of part II of these rules, such service shall be reckonable, if the officer becomes subject to the Act of 1937 or the Scottish Act of 1937, as non-contributing service at double the length at which it was reckonable for the purposes of the Superannuation Acts, or, if he becomes subject to a local Act scheme, at double such length for the purpose only of determining whether the officer has served for the minimum period prescribed by that scheme for any pension to be paid to or in respect of him.

23. The provisions of section 35 of the Act of 1937 and section 30 of the Scottish Act of 1937 shall have effect in relation to a person who becomes

(a) 9 & 10 Geo. 6. c. 67. (b) 4 & 5 Geo. 6. c. 39. (c) 26 Geo. 5 & 1 Edw. 8. c. 33.

a contributory employee or a person who is deemed to be a contributory employee in circumstances in which this part of these rules applies as if the reference in those sections to regulations made under those Acts included a reference to these rules.

24. Where under rule 8 of these rules or any similar rule the officer has become liable to pay to the Treasury sums equal to additional contributory payments, but had not during his employment as a civil servant completed making such payments, the right to receive the balance of the debt shall be transferred to the local authority maintaining the superannuation fund to which the officer is a contributor, and the officer shall pay to such local authority sums equal to the sums which he would have been liable to pay to the Treasury had he continued to be employed as a civil servant at the times at which and in the manner in which those sums would have become due to the Treasury.

25.—(1) In the case of an officer to whom the Rules of 1936 apply, such rules shall cease to apply to him upon his electing that these rules shall apply to him.

(2) The Rules of 1936 shall not apply to any person who becomes employed in Local Government service after the date of the coming into operation of these Rules.

PART V

Provisions relating to certain Retired Officers who had transferred from the Civil Service to Local Government Service

26.—(1) This part of these rules shall apply to any person—

(*a*) who has before the date of the coming into operation of these rules become eligible to receive from the Treasury a superannuation allowance under rule 19 of the Rules of 1936 ; and

(*b*) who within six months after the date of the making of these rules notifies the local authority by whom he was last employed that he elects that these rules shall apply to him ; and

(*c*) in respect of whom both the Treasury and the local authority maintaining the fund out of which his superannuation allowance or annuity is paid give their consent that this part of these rules shall apply to him ; and

(*d*) who, if the superannuation allowance to which he is entitled in respect of his local government service is calculated at a rate of not less than one-sixtieth of his pensionable emoluments for each year of his contributing or similar service, pays to the local authority maintaining the fund out of which such allowance is paid, within six months after the date of the making of these rules, a sum equal to any additional allowance which may have been granted to him under the Superannuation Acts.

(2) In this part of these rules a person to whom this part of these rules applies is referred to as " the officer ".

27. From the date when the officer elects that these rules shall apply to him he shall, if the Treasury pay a transfer value in respect of him under rule 28 of these rules, be entitled to receive such a superannuation allowance as he would have been entitled to receive if part IV of these rules had applied to him:

Provided that, in the case of an officer who ceased to be employed as a civil servant not earlier than the 4th day of February, 1948, such superannuation allowance as aforesaid shall be payable to him from the date when be ceased to be employed in local government service, but the amount of any such allowance payable to him in respect of the period ending on the date when he elects that these rules shall apply to him shall be reduced by the aggregate of the amount of the superannuation allowances paid to him under Part III of the Rules of 1936.

28. The Treasury may upon the officer's electing that these rules shall apply to him pay to the local authority maintaining the superannuation fund to which the officer was last a contributor a transfer value of an amount equal to the capitalised value of the superannuation allowance which he had been receiving from the Treasury under rule 19 of the Rules of 1936, and such capitalised value shall be calculated by reference to the officer's age at the date when he elects that these rules shall apply to him and by a method to be determined jointly by the Treasury, the Minister of Health and the Secretary of State.

29. The Rules of 1936 shall cease to apply to the officer upon his electing that these rules shall apply to him.

THE SCHEDULE

Rule 4 (1). Reckoning of Service or a Period of Contribution under a local Act scheme.

1. If in relation to part of any service which is reckonable as service or a period of contribution for the purposes of a local Act scheme (which part is in this paragraph referred to as "the said service") the officer pursuant to the provisions of the local Act scheme had been discharging, but had not fully discharged, a liability subsisting at the date when he ceased to be employed in local government service to pay a sum by instalments to the superannuation fund maintained by the local Act authority as a condition of being entitled to reckon the said service for any of the purposes of the local Act scheme, then—

(*a*) subject to the provisions of sub-paragraph (*b*) of this paragraph, the said service shall be treated for the purposes of part II of these rules as non-contributing service; and

(*b*) to the extent that one half the aggregate amount paid on account of the sum due in discharge of the liability aforesaid would, if the said service had been non-contributory service, and the said aggregate amount had been paid pursuant to the provisions of the Local Government Superannuation (Additional Contributory Payment) Regulations, 1939(**a**), or the Local Government Superannuation (Additional Contributory Payment) (Scotland) Regulations, 1939(**b**), in relation to the emoluments of his employment in local government service at the date when he ceased to hold that employment and to his age at that date, enable him to reckon any period of the said service as contributing service, the whole of that priod shall be treated for the purposes of Part II of these rules as contributing service.

(a) S.R. & O. 1939 (No. 52) II, p. 2566. (b) S.R. & O. 1939 (No. 375) II, p. 2574.

2. If in relation to part of any service which is reckonable as service or a period of contribution for the purposes of a local Act scheme (which part is in this paragraph referred to as " the said service ") the officer pursuant to the provisions of the local Act scheme would, had he not ceased to hold his employment in local government service, have been under a liability to make payments to the superannuation fund maintained by the local Act authority by way of a contribution of a percentage of emoluments additional to the percentage payable in respect of current service as a condition of being entitled to reckon the said service for any of the purposes of the local Act scheme, then the provisions of sub-paragraphs (*a*) and (*b*) of the last preceding paragraph shall apply in relation to the said service, with the substitution for the reference in sub-paragraph (*b*) to the sum due in discharge of the liability aforesaid of a reference to additional percentage contributions.

Dated this 27th day of January, 1950.

R. J. Taylor,
Richard Adams,
Two of the Lords Commissioners of His Majesty's Treasury.

Aneurin Bevan,
Minister of Health.

Arthur Woodburn,
Secretary of State.

EXPLANATORY NOTE

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

The purpose of these Rules is to provide for the aggregation of service, and a single superannuation award in cases where persons transfer within the prescribed period from pensionable service under the Local Government Superannuation Act, 1937, the Local Government Superannuation (Scotland) Act, 1937 or a Local Act Scheme to established posts in the Civil Service, or vice versa. Where such a transfer is made the person is enabled to reckon the whole of his service for pension under the superannuation system to which he transfers. Transfer values are to be paid in either direction, calculated on the basis of the transfer value tables for the time being in force under the Local Government Superannuation Act.

Under the express powers of Section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948 (under which the Rules are made), the Rules have the following retrospective effect:—

1. Where the officer was covered at the time of his transfer by the Unemployment Assistance Board (Superannuation) Rules, 1935 or the Local Government and Civil Service (Superannuation) Rules, 1936, these Rules will apply whenever the transfer took place.

2. When the transfer was not covered by the Rules of 1935 or 1936 the new Rules will apply only to transfers since 4th February, 1948.

In the second case the Rules will apply only with the consent of the authority which becomes liable to pay a transfer value. In either case they will apply only at the election of the employee concerned.