The Superannuation (Transfers between the Civil Service and Public Boards) Rules, 1950

1950 No. 1539

Made - - - -	18*th September*, 1950
Laid before Parliament	19*th September*, 1950
Coming into Operation	20*th September*, 1950

The Lords Commissioners of His Majesty's Treasury in exercise of the powers conferred upon 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 make the following rules :—

PART I—*General Provisions*

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

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

(3) These rules shall come into force on the 20th day of September, 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 ;

" public board " means the bodies mentioned in the schedule to these rules ;

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

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

" civil servant " ;

" pension " ;

" pension scheme " ; and

" pensionable employment ".

(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.

PART II—*Provisions relating to Persons transferring from Public Boards to the Civil Service*

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

(*a*) becomes employed as a civil servant within twelve months after ceasing to be in the pensionable employment of a public board or within such longer period thereafter as the Treasury may allow in any particular case ; and

(*b*) immediately before he ceased to be in the employment of the public board was subject to a pension scheme which is approved by the Treasury for the purposes of these rules ; and

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

(*c*) has not become entitled to a pension other than a return of contributions under the pension scheme administered by the public board; and

(*d*) 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 that he desires these rules to apply to him, and furnishes such Department with particulars of his previous pensionable employment; and

(*e*) if he has received any payment by way of a return of contributions, whether with or without interest, on or after ceasing to be in the employment of the public board, 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) This part of these rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed by a public board or became employed as a civil servant before the coming into operation of these rules or before the passing of the Act;

Provided that

(*a*) he has not ceased to be employed as a civil servant before the coming into operation of these rules; and

(*b*) such public board consents.

(3) In this part of these rules a person to whom this part of these rules applies is referred to as "the officer", and the public board by whom the officer was last employed before he became employed as a civil servant is referred to as "the board".

4. If the Treasury receive out of the superannuation fund maintained by the board a transfer value, calculated in accordance with tables approved by the Treasury, but reduced by an amount equal to the aggregate of (*a*) any sum payable by the officer to the Treasury under sub-paragraph (*e*) of paragraph (1) of rule 3 of these rules, and (*b*) 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, in respect of the service which the officer was entitled to reckon for the purposes of the pension scheme administered by the board immediately before he ceased to be employed by the board, such service shall be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant; provided that any service which for the purposes of the pension scheme administered by the Board would have been reckonable solely for the purpose of determining whether any pension was payable thereunder to or in respect of the officer shall not be reckoned under this rule as service in the capacity of a civil servant, except for the sole 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.

5. Where the officer has agreed to make, but had not during his employment by the board completed making, additional contributions under the pension scheme applicable to him in consideration of his service with the board being treated for pension purposes as increased by an additional period, the period of service which under the last preceding rule is to be reckoned

as service in the capacity of a civil servant shall be treated as being increased by such additional period: provided that this rule shall not apply unless:—

(*a*) the Treasury receive out of the superannuation fund maintained by the board, in addition to the transfer value mentioned in the last preceding rule, a transfer value calculated so as to represent the liability of which such superannuation fund was relieved in respect of the said additional period, after the deduction therefrom of the value of the additional contributions which the person would have been liable to pay had he continued in the employment of the board; and

(*b*) the officer pays to the Treasury sums equal to the additional contributions which he would have been liable to pay as aforesaid, at the time at which and in the manner in which those additional contributions would have become due to the board.

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, provided that he has not been dismissed in consequence of an offence of a fraudulent character or of grave misconduct, pay to or in respect of him whichever is the greater of the following sums:—

(*a*) a sum equal to the sum which might have been paid to or in respect of him by way of a return of contributions and any interest thereon under the pension scheme administered by the board, if when he ceased to be employed by the board 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.

PART III—*Provisions relating to Persons transferring from the Civil Service to Public Boards*

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

(*a*) enters the pensionable employment of a public board within twelve months after ceasing to be employed as a civil servant or within such longer period thereafter as the Treasury may allow in any particular case; and

(*b*) upon changing his employment as aforesaid becomes subject to a pension scheme which is approved by the Treasury for the purposes of these rules; and

(*c*) has before changing his employment as aforesaid obtained the consent of the Head of the Department in which he ceased to be employed; and 1966/454

(*d*) has not become eligible for a pension under the Superannuation Acts; and 1948/471

(*e*) within three months after the date on which he enters the employment of a public board or within six months after the date of the making of these rules, whichever period last expires, notifies the public board by whom he is then employed that he desires these rules to apply to him.

(2) This part of these rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed as a civil servant or became employed by a public board before the coming into operation of these rules or before the passing of the Act: provided that:—

(*a*) he has not ceased to be employed by such public board before the coming into operation of these rules; and

(*b*) 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 ", and the public board by whom he becomes employed is referred to as " the board ".

8. If the Treasury are satisfied that the officer will be entitled under the pension scheme administered by the board to reckon as service for the purposes of that scheme such of his service as is reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant, the Treasury may, upon these rules becoming applicable to the officer, pay to the superannuation fund maintained by the board a transfer value calculated in accordance with tables prepared by the Treasury in respect of such of the officer's service as is reckonable as aforesaid.

9. Where under rule 5 of these rules or any similar rule the officer was in course of paying, but had not completed paying, to the Treasury sums equal to additional contributions, there shall be deducted from the transfer value payable under rule 8 of these rules the value of the sums which he would have been liable to pay to the Treasury had he continued to be employed as a civil servant, and the right to receive those sums shall be transferred to the board.

THE SCHEDULE

The bodies referred to in the definition of " public board " in rule 2 (1) (*a*).

The National Coal Board.

The British Electricity Authority and any Area Electricity Board.

The Royal College of Art.

The Port of London Authority.

Dated this 18th day of September, 1950.

H. W. Bowden,
Charles Royle,
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.)

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 Public Boards named in the Schedule to the Rules 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 in accordance with tables approved by the Treasury.

Under the express powers of Section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948 (under which the Rules are made), the Rules will apply to transfers between the Public Boards and the Civil Service which have been made before the coming into operation of the Rules or the passing of the Act, provided that the person affected has not ceased to be employed in the service to which he has been transferred and that the Public Board concerned or the Treasury as the case may be consent.