STATUTORY INSTRUMENTS

1966 No. 1586

PENSIONS

The Superannuation (Transfers between the Civil Service and the Police) Rules 1966

Made - - - -	16*th December* 1966
Laid before Parliament	23*rd December* 1966
Coming into Operation	1*st January* 1967

The 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

Provisions relating to officers transferring from Police Service to the Civil Service

1.—(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 a regular policeman, or within twelve 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; and

(*b*) has not become entitled to a pension other than a gratuity or a return of contributions in respect of his service as a regular policeman; 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, or within such longer period as the Treasury may allow in any particular case, notifies the Department in which he is employed that he desires these Rules to apply to him, and furnishes such Department with particulars of his previous pensionable employment; 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, or within such longer period as the Treasury may allow in any particular case, pays to the Treasury a sum equal to the amount of any award payable to him on ceasing to be a regular policeman, so however that where under the Police Pensions Regulations he had paid pension contributions at a rate related to 6¼% of his pensionable pay, or had paid additional contributions, within the meaning of those Regulations, the payment shall be of an amount equal to so much of the award as would have been payable had he paid such pension contributions at a rate related to 5% of his pensionable pay and had not paid such additional contributions.

(2) This part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be a regular policeman before the coming into operation of these Rules:

(a) 1948 c. 33.

Provided that he has not become a civil servant before the coming into operation of these Rules.

(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 police authority maintaining the police force of which the officer was last a member is referred to as "the police authority".

2. If the Treasury receive from the police authority a transfer value in respect of the officer, then the pensionable service reckonable by him under the Police Pensions Regulations immediately before he ceased to be a regular policeman, increased by one-third, shall be reckoned for the purposes of the Superannuation Act 1965(a) as service in the capacity of a civil servant.

3.—(1) Where, by virtue of the officer's having undertaken to pay a sum by regular instalments under the Police Pensions Regulations, any period of previous service is reckonable by him as pensionable service for the purposes of those Regulations, that period of service shall not be taken into account for the purposes of the last preceding Rule, unless he pays to the Treasury by the instalments specified in paragraph (2) of this Rule a sum equal to the amount of any balance of the said sum which was outstanding immediately before he ceased to be a regular policeman or so much thereof as has not been deducted from any gratuity payable to him under the said Regulations on his ceasing to be a regular policeman.

(2) The sum payable by the officer under the preceding paragraph shall be paid by instalments of such amounts and payable at such times as the Treasury may determine in his case, being instalments which appear to the Treasury to correspond as nearly as may be with the instalments which would have been payable by him if he had continued to be a regular policeman.

4. 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 Act 1965, 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 aggregate of the sum paid by him to the Treasury in accordance with Rule 1(1) (*d*) of these Rules and of any sums paid by him to the Treasury in accordance with Rule 3 of these Rules; 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 Act 1965 by way of a short service gratuity or a death gratuity.

PART II

Provisions relating to officers transferring from the Civil Service to Police Service

5.—(1) This part of these Rules shall apply to any person who—

(*a*) becomes a regular policeman within twelve months after ceasing to be employed as a civil servant, or within twelve 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; and

(a) 1965 c. 74.

(*b*) has before or after becoming a regular policeman as aforesaid obtained the consent of the Head of the Department in which he was serving; and

(*c*) has not become eligible for a pension under the Superannuation Act 1965; and

(*d*) within three months after the date on which he becomes a regular policeman, 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, notifies the police authority maintaining the police force of which he is a member 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 before the coming into operation of these Rules:

Provided that he has not become a regular policeman before the coming into operation of these Rules.

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

6. The Treasury may, upon these Rules becoming applicable to the officer, pay to the said police authority a transfer value calculated in accordance with tables approved by the Treasury in respect of such of the officer's service as is reckonable for the purposes of the Superannuation Act 1965.

PART III

General and Supplemental Provisions

7.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"civil servant" has the meaning assigned to it by section 98(2) of the Superannuation Act 1965;

"pension" has the meaning assigned to it by section 17(1) of the Superannuation (Miscellaneous Provisions) Act 1948;

"pensionable employment" has the meaning assigned to it by section 17(1) of the Superannuation (Miscellaneous Provisions) Act 1948;

"police authority" has the same meaning as in the Police Pensions Regulations;

"police force" has the same meaning as in the Police Pensions Regulations;

"Police Pensions Regulations" means the regulations from time to time in force under the Police Pensions Act 1948(**a**);

"regular policeman" has the meaning assigned to it by the Police Pensions Regulations.

(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) The Interpretation Act 1889(**b**) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

(a) 1948 c. 24. (b) 1889 c. 63.

8. These Rules may be cited as the Superannuation (Transfers between the Civil Service and the Police) Rules 1966, and shall come into operation on 1st January 1967.

E. Alan Fitch,

George Lawson,

Two of the Lords Commissioners
of Her Majesty's Treasury.

16th December 1966.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide for the aggregation of service and for a single superannuation award in cases where persons transfer from established service in the Civil Service to service as a regular policeman or vice versa. Where such a transfer is made, the person is enabled, subject to the payment of an appropriate transfer value, to reckon previous service for pension under the superannuation scheme to which he transfers. Service as a regular policeman is increased by one third for the purposes of an award under the Superannuation Act 1965.

Under the powers conferred by section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948, the Rules apply to a person entering one service after the coming into operation of the Rules notwithstanding that he left the other service before their coming into operation.