The Superannuation (War-Time Interruption of Service) Regulations, 1948

1948 No. 1879

Made - - - -	10*th August*, 1948
Laid before Parliament	12*th August*, 1948
Coming into Operation	31*st August*, 1948

The Lords Commissioners of His Majesty's Treasury, in exercise of the powers conferred upon Them by paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) of subsection (1) of Section 4 of the Superannuation Act, 1946(**a**) and of all other powers enabling Them in that behalf, hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Superannuation (War-time Interruption of Service) Regulations, 1948.

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

(3) References in these Regulations to any enactment or regulation shall be construed as references to that enactment or regulation as amended by any subsequent enactment or regulation.

2. For the purposes of these Regulations—

(i) " recognised employment " and " recognised work " mean employment or work of such nature, for such periods and in relation to such persons or classes of persons as may be recognised by the Treasury as being employment or work of national importance;

(ii) " non-effective pay " includes Naval, Military or Air Force pensions, retired pay, and gratuities (other than war gratuities, to which section twenty-three of the Finance (No. 2) Act, 1945(**c**), which exempts war gratuities from Income Tax, applies).

3.—(1) Subject as hereinafter in this Regulation appears, where the usual employment of any person has been interrupted or terminated by war circumstances in order that he might be engaged in recognised employment, the time during the war period during which such person was in recognised employment shall reckon for an award under the Superannuation Acts as if he had remained in his usual employment for that time at the remuneration which he would have been receiving if he had not left that employment.

(2) For the purposes of an award under the Superannuation Acts, where any such person as aforesaid, while engaged in recognised employment, has,

(*a*) before the 24th day of March, 1944, been absent from such employment through sickness or unemployment, such periods of absence shall be disregarded for the purpose of reckoning time of engagement in recognised employment;

(**a**) 9 & 10 Geo. 6. c. 60. (**b**) 52 & 53 Vict. c. 63.
(**c**) 9 & 10 Geo. 6. c. 13.

(*b*) on or after the 24th day of March, 1944, been absent from such employment through sickness, such periods of absence shall be treated as if that person had remained in his usual employment;

(*c*) on or after the 24th day of March, 1944, been absent from such employment through unemployment for any period exceeding fourteen days, such period of absence shall be deducted in reckoning the time of engagement in recognised employment unless the person concerned has furnished such certificate to the head officer in the department of his usual employment as may be required by the Treasury being a certificate stating that such period of absence was not due to the fault of the person concerned.

4. Where any person who during the war period was absent from his usual employment, being usual employment of an unestablished nature, in order to serve in the armed forces of the Crown or to be employed in other recognised work, and while so serving or employed died or became by reason of infirmity of mind or body permanently incapacitated for the duties of his usual employment, the Superannuation Act, 1887(**a**) and Section 3 of the Superannuation Act, 1914(**b**) (which provide for gratuities in the case of persons not entitled to superannuation allowance who die while employed or are removed in consequence of the abolition of their employment or by reason of incapacity) shall apply as if at the time when he became absent from his usual employment he had been removed therefrom in consequence of the abolition thereof.

5.—(1) Subject as hereinafter in this Regulation appears where any person who, having entered on his usual employment after having served on a regular engagement in the armed forces of the Crown, left his usual employment to enter on further service in those forces, and was subsequently reinstated in his usual employment, such further service during the period beginning on the 3rd day of September, 1939, and ending on the day when he could first obtain his discharge therefrom, or any subsequent employment in the service of the State before he was reinstated, shall reckon, for the purposes of the Superannuation Acts, as if he had remained in his usual employment for the period of such further service or subsequent employment.

(2) Before any person shall be entitled to reckon such further service as aforesaid,

(*a*) he shall apply to resume his usual employment before or immediately upon the expiration thereof, and

(*b*) where such further service has been reckoned for the grant of non-effective pay, or where he has received, in respect of such further service, remuneration in excess of the full normal remuneration of his post in lieu of any increase of non-effective pay, he shall satisfy the Treasury that he has refunded, or is willing to refund, any such non-effective pay or excess remuneration.

(3) For the purposes of this Regulation such further service shall include any leave granted at the termination thereof.

6. Where any person who, not being a person to whom the last foregoing Regulation applies, left his usual employment on or after the 3rd day of September, 1939, without the consent of the head officer in the department in which he was employed, to enter on service in the armed forces of the Crown or on other recognised work, and was subsequently reinstated in his

(**a**) 50 & 51 Vict. c. 67. (**b**) 4 & 5 Geo. 5. c. 86.

usual employment, such service or work or any subsequent employment in the civil service of the State before he was reinstated shall reckon for the purposes of the Superannuation Acts as if he had remained in his usual employment for the period of such service or work.

7. Where any person who on or after the said 3rd day of September, 1939, left his usual employment through having for reasons of conscience refused to enter on service in the armed forces of the Crown or to continue in his usual employment, but later entered on such service or returned to employment in the civil service of the State, and was subsequently reinstated in his usual employment, such service or employment before he was reinstated shall reckon, for the purposes of the Superannuation Acts as if he had remained in his usual employment.

8. Where, in the case of any person to whom the provisions of any one of the last three foregoing Regulations apply, it is found inexpedient or impracticable immediately to reinstate that person in his usual employment, the Treasury may direct that his service in any capacity in the civil service of the State shall reckon, for the purposes of the Superannuation Acts, as if he had remained in his usual employment for the period of such service in any capacity as aforesaid.

9. These Regulations shall come into force on the 31st day of August, 1948.

Dated the 10th day of August, 1948.

Wm. Hannan,
C. James Simmons,
Two of the Lords Commissioners
of His Majesty's Treasury.

EXPLANATORY NOTE

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

These Regulations have been made under Section 4 (1) of the Superannuation Act, 1946, which authorises the Treasury to make Regulations for the purpose of adapting the Superannuation Acts to the circumstances of various categories of persons whose employment in the Civil Service of the State has been interrupted or terminated by war circumstances, in order to authorise the making of superannuation awards for which there would not otherwise be authority. The references in this Note to paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) are to those of the above-mentioned Section 4 (1) of the 1946 Act.

Regulation 3 enables employment during the war period recognised by the Treasury as being of national importance to be reckoned for the purpose of the Superannuation Acts as if it had been Civil Service employment. (Paragraph (*a*)).

Regulation 4 deals with the person who was in unestablished employment in the Civil Service and who, whilst absent on war service, dies or has a medical breakdown, and enables such a person (or his dependants) to be awarded the gratuity for which he would have been eligible at the time of his transfer to war service if his Civil Service post had at that time been abolished; that is to say a gratuity may be awarded if he had had not less than seven years' whole-time civil service. (Paragraph (*b*)).

Regulation 5 enables the ex-Regular recalled from the Civil Service to the Colours to reckon his period of war service for Civil Service superannuation purposes, even if he was not eligible for balance of civil pay. (Paragraph (*c*)).

Regulation 6 enables the " rebel volunteer " (the civil servant who threw up his work without permission to join the Forces, etc.) who is subsequently reinstated to reckon his period of war service for Civil Service superannuation. (Paragraph (*d*)).

Regulation 7 enables the conscientious objector who left the Civil Service because of his refusal either to enter into the Armed Forces of the Crown or remain in the Civil Service, but who subsequently has a " change of heart " and joins the Armed Forces (or returns to the Civil Service as the case may be), and who is subsequently reinstated in the Civil Service, to count his period of service in the Forces (or in the Civil Service prior to his reinstatement) for purpose of Civil Service superannuation. (Paragraph (*e*)).

2. GOVERNORS OF DOMINIONS, ETC.

The Pensions (Governors of Dominions, &c.) (No. 1) Order, 1948

1948 No. 1406

Made - - - -	21*st June*, 1948
Laid before Parliament	28*th June*, 1948
Coming into Operation	1*st July*, 1948

Whereas by paragraph (1) of Section 2 of the Pensions (Governors of Dominions, &c.) Act, 1911, it is enacted that Governorships within the meaning of the Act shall be divided for the purposes of pension into four classes and that such division shall be made by order of the Secretary of State approved by the Treasury and laid before Parliament: 1 & 2 Geo. 5. c. 24.

And Whereas on the 21st day of November, 1938, an Order entitled " the Pensions (Governors of Dominions, &c.) (No. 1) Order, 1938 "(a) (hereinafter called the Order of 1938), was duly made classifying certain Governorships as Governorships of Class I:

And Whereas it is expedient that the Order of 1938 should be revoked and that a new Order should be made;

Now therefore, I, the Right Honourable Philip Noel-Baker, one of His Majesty's Principal Secretaries of State, do, with the approval of the Lords Commissioners of His Majesty's Treasury, hereby revoke the Order of 1938 and order as follows:—

1. For the purpose of the award of pension to persons duly qualified under the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947, the offices set out in the Schedule to this Order shall be Governorships of Class I.

2. This Order may be cited as the Pensions (Governors of Dominions, &c.) (No. 1) Order, 1948, and shall come into operation on the 1st day of July, 1948.

Philip Noel-Baker,
Secretary of State for
Commonwealth Relations.

Approved by the Treasury
21st June, 1948.

R. J. Taylor.
Wm. Hannan.

(a) S.R. & O. 1938 (No. 1504) II, p. 2790.