
STATUTORY INSTRUMENTS

1949 No. 545

**The Superannuation (Local Government
Staffs) (National Service) Rules 1949**

2.—(1) Subject to the provisions of rule 4 of these rules, where a person immediately before he entered upon national service was in employment in which he was entitled to participate in the benefits of a superannuation fund maintained under Part I of the Act of 1937 or under a local Act scheme and on the termination of his national service or within six months thereafter he again becomes entitled to participate in the benefits of such a superannuation fund as aforesaid, the Act of 1937 or local Act scheme shall apply in relation to him as if he had continued in his former employment during the period of his national service and been entitled to the remuneration thereof:

Provided that—

- (a) if on or after ceasing to hold his former employment the person made a claim for the return of his contributions—
 - (i) no part of his national service after the date of the claim shall be taken into account for the purpose of determining whether he has served for any minimum number of years required for the receipt of any benefit under the Act of 1937 or a local Act scheme or for the purpose of calculating any such benefit or any transfer value payable in respect of him; and
 - (ii) the part of his national service before the date of the claim shall only be so reckonable if within three months after again becoming entitled to participate as aforesaid he pays or repays to the local authority maintaining the fund to which he is a contributor, an amount equal to the sum paid to him by way of a return of contributions; and
- (b) if the person received a return of contributions on ceasing to hold his former employment, nothing in this rule shall prevent his being treated as if he had received such a return on so ceasing for the purposes of section 13 of the Act of 1937 and the corresponding provisions of any local Act scheme and any regulations made under the Act of 1937 prescribing transfer values.

(2) Where a person who has undertaken national service immediately after ceasing to hold such employment as aforesaid, and who has not on or after ceasing to hold that employment made a claim for the return of his contributions—

- (a) dies during his period of national service; or
- (b) is prevented, in consequence of being permanently incapacitated by injury or disease, from resuming employment in his former capacity;

he shall be deemed to have returned to his former employment immediately before his death or on the termination of his national service, as the case may be.

(3) Where a person has undertaken national service immediately after ceasing to hold such employment as aforesaid and on the termination of that service or within six months thereafter he becomes an employee of a local authority but is not entitled to participate in the benefits of such a superannuation fund as aforesaid, then, if he subsequently becomes entitled to participate in the benefits of a superannuation fund maintained under Part I of the Act of 1937, the period of his national service, excluding, in the case of a person who made a claim for a return of contributions,

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any part of that service after the date of the claim, shall be reckonable as a period of non-contributing service.