
STATUTORY INSTRUMENTS

1967 No. 364

The Superannuation (Public Offices) Rules 1967

PART I

RETIREMENT AFTER SERVICE IN MORE THAN ONE PUBLIC OFFICE

Application of Part I

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

- (a) has been continuously employed in more than one public office; and
- (b) on or after retiring from the last public office in which he was continuously employed, or from other employment approved for the purposes of the superannuation scheme applicable to such last public office, or from employment, during such a period as is described in paragraph (3)(ii) of this Rule, in an office which has ceased to be a public office, becomes eligible for a retiring award under that superannuation scheme, or would be so eligible if he had served in such last public office for the minimum period qualifying him for a retiring award under that superannuation scheme.

(2) In this Part of these Rules a person to whom this Part of these Rules applies is referred to as an “officer”.

(3) For the purposes of these Rules, a person shall be deemed to have been continuously employed in two public offices, notwithstanding that he has not been directly transferred from the first public office to the second, if—

- (a) where he was employed in the first public office in a pensionable capacity, he became employed in the second public office within 31 days of ceasing to be employed in the first, or within such longer period as the rules governing the superannuation scheme applicable to the second public office may allow in his case; and
- (b) where he was employed in a non-pensionable capacity in the first public office, he became employed in the second within such period that, if his service in that first public office had been rendered in a non-pensionable capacity in the second public office, that service would, under the superannuation scheme applicable to the second public office, have been reckoned as to the whole or any part thereof for the purpose of the award of a pension or gratuity under that scheme;

and in determining whether a person has been continuously employed in two public offices in accordance with this paragraph no account shall be taken of—

- (i) any period after he ceases to be employed in the first public office and before he becomes employed in the second public office during which he is serving in other employment approved for the purposes of the superannuation scheme applicable to the first public office; or
- (ii) in a case where the first public office has ceased to be a public office, any period during which he has continued to be employed in that office on its so ceasing and which is a period of employment approved by the Treasury for the purposes of these Rules.

Similar and dissimilar public offices

2.—(1) Where the public offices in which an officer has been continuously employed include two or more similar public offices, the provisions of Rules 3 and 4 of these Rules shall apply in relation to the retiring award which may be made in respect of his service in those public offices; and where the public offices in which such an officer has been continuously employed include, in addition to such similar public offices, one or more dissimilar public offices, Rule 5 of these Rules shall apply in relation to the retiring award which may be made in respect of his service in each of such dissimilar public offices.

(2) Where the public offices in which an officer has been continuously employed do not include two or more similar public offices, Rule 5 of these Rules shall apply in relation to the retiring award which may be made in respect of his service in each of the public offices in which he has been employed.

(3) For the purposes of these Rules, any two or more public offices in which a person has been employed shall be deemed to be similar public offices if the superannuation schemes to which he was subject while employed in those public offices are, in the opinion of the Treasury, so similar that it is practicable and expedient to make a single aggregated award in respect of such of his service as is reckonable for the purposes of those schemes; and any other public office in which he has been employed shall be deemed to be a dissimilar public office.

Single aggregated retiring award

3.—(1) In respect of an officer's service in any two or more similar public offices, a single retiring award may be made to him in accordance with the provisions of this Rule.

(2) Except as otherwise provided by this Rule, the award shall be calculated by reference to the aggregate of the periods of service which the officer was entitled to reckon for the purposes of each of the superannuation schemes applicable to his similar public offices, but any service in respect of which he has already been granted any superannuation benefits, or in respect of which he has received a return of contributions which have not been refunded, shall not be taken into account for the purposes of this Rule.

(3) Where—

- (a) an officer has been employed in two similar public offices, and his service in the first of those public offices was non-pensionable service and his service in the second was pensionable service; and
- (b) the rules of the superannuation scheme applicable to the first public office were such that if he had subsequently rendered pensionable service in that public office his non-pensionable service therein would have been reckoned as to the whole or any part thereof for the purpose of the award of superannuation benefits under that scheme;

then such period of his non-pensionable service as would have been reckoned as aforesaid shall be reckoned as part of his aggregate service for the purpose of this Rule.

(4) Where the officer did not serve in a pensionable capacity in the last public office in which he was employed, he shall not be eligible for a pension or gratuity in respect of any previous service in a pensionable capacity in any public office.

(5) Where an officer who has been employed in two or more similar public offices retires on a medical certificate from employment in one of those public offices in such circumstances that under the superannuation scheme applicable to that public office his reckonable service, if it were equal to his total reckonable service in similar and dissimilar public offices, would be treated as being increased to a specified period, there may be granted to him in respect of his aggregate service in the similar public offices in which he has been employed such retiring award as might have been granted to him if his aggregate reckonable service in those similar public offices, when added to his

aggregate reckonable service in any other public offices in which he has been employed, had been that specified period.

(6) Subject to the provisions of this Rule in relation to the reckoning of an officer's aggregate service, his retiring award shall be calculated in accordance with the superannuation scheme applicable to the last similar public office in which he was employed and on his emoluments in that public office:

Provided that if that superannuation scheme requires the retiring award to be calculated on an average of the emoluments of his office during a certain period, and if the officer has not been employed for the whole of such period in the last similar public office in which he was employed, his retiring award shall be calculated on the average of his emoluments during a similar period in which he last served in that public office and in any other similar public office.

(7) An officer who is granted a retiring award under this Rule in respect of any service in a public office shall not be eligible for any retiring award in respect of that service under the superannuation scheme applicable to that public office.

Apportionment of cost of award

4.—(1) The cost of any retiring award made to an officer under the last preceding Rule shall be apportioned between the superannuation schemes applicable to the several similar public offices in which he has been employed and for the purpose of such apportionment a calculation shall be made, in accordance with the provisions of this Rule, of the award (hereafter in this Rule referred to as a “hypothetical award”) which would have been made to the officer if he had retired on the ground of ill-health at the date when he ceased to be employed in each such similar public office except the last, such calculation being based on his aggregate service in similar public offices up to that date and the emoluments which he received at that date.

(2) The officer's service shall be reckoned as nearly as may be in accordance with the provisions of the Superannuation Act 1965, but otherwise a hypothetical award shall, subject to the provisions of this Rule, be calculated in accordance with the rules in force at the date of the officer's final retirement of the superannuation scheme applicable to the public office from which he is assumed to have retired.

(3) Where the officer was serving in a non-pensionable capacity in one public office at the date when he ceased to be employed in it, and he subsequently served in a pensionable capacity in another public office, and the whole or part of his non-pensionable service falls to be treated as part of his aggregate service for the purpose of the grant of a pension under the last preceding Rule, the hypothetical award in respect of the first public office shall be calculated as if he had been rendering pensionable service in that public office at the date when he ceased to be employed in it.

(4) If the number of years of an officer's aggregate service in public offices qualifies him for a pension as distinguished from a gratuity under the rules of the superannuation scheme applicable to the last similar public office in which he was employed, then the pension shall be apportioned between the superannuation schemes applicable to the several similar public offices in which he was employed as though the period served in each such public office had qualified him for a pension as distinguished from a gratuity.

(5) The amount to be contributed by each of the superannuation schemes applicable to the similar public offices in which the officer has been employed shall be as follows:—

- (a) in the case of the first such public office, the amount of the hypothetical award calculated in relation to the date on which he ceased to be employed in that public office;
- (b) in the case of any subsequent similar public office, except the last, the difference between the hypothetical award calculated in relation to the date on which he ceased to be employed in that public office and the hypothetical award calculated in relation to the date on which he ceased to be employed in the last preceding similar public office; and

(c) in the case of the last similar public office, the difference between the total award and the hypothetical award calculated in relation to the date on which he ceased to be employed in the last preceding similar public office.

(6) The amount to be contributed by each of the superannuation schemes applicable to the similar public offices in which the officer has been employed except the last shall be payable by the authority administering each of such superannuation schemes to the authority administering the superannuation scheme applicable to the last similar public office, and the total award shall be payable to the officer by the authority administering the superannuation scheme applicable to the last similar public office in which he was employed.

Separate retiring awards

5.—(1) In respect of an officer's service in any dissimilar public office, a separate retiring award may be made to him in accordance with the provisions of this Rule.

(2) Except as otherwise provided by this Rule, such retiring award may be made to the officer under this Rule by the authority administering the superannuation scheme applicable to the public office as might have been made to him under that superannuation scheme if he had retired from employment in the public office on the ground of ill-health, such award being calculated by reference to his service in the public office:

Provided that—

- (a) any service in respect of which the officer has already been granted any superannuation benefits, or in respect of which he has received a return of contributions which have not been refunded, shall not be reckoned for the purpose of this Rule; and
- (b) where the officer did not serve in a pensionable capacity in the last public office in which he was employed, he shall not be eligible for a pension or gratuity in respect of any previous service in a pensionable capacity in any public office.

(3) Any period of service which, under the superannuation scheme applicable to any public office in which the officer has been employed before becoming employed in a dissimilar public office, would have been treated as counting towards any minimum period of qualifying service required by that superannuation scheme may, for the purpose only of counting towards any minimum period of qualifying service required by the superannuation scheme applicable to the dissimilar public office, be treated as service in that dissimilar public office.

(4) If the number of years of an officer's aggregate service in public offices qualifies him for a pension as distinguished from a gratuity under the rules of the superannuation scheme applicable to the last public office in which he was employed before he retired, then he may be granted a pension as distinguished from a gratuity by the authority administering the superannuation scheme applicable to any dissimilar public office in which he has been employed.

(5) Where—

- (a) by virtue of paragraph (3) or (4) of this Rule, for the purpose of a retiring award in respect of an officer's service in a dissimilar public office, any service in another public office is treated as qualifying him for an award in respect of a period of reckonable service which is less than the qualifying period prescribed by the superannuation scheme applicable to that dissimilar public office; and
- (b) that superannuation scheme does not prescribe the amount of any retiring award in respect of such a period of reckonable service;

an award may be made of an amount which bears the same proportion to the amount of the award prescribed for the minimum period of service provided for in that superannuation scheme as the period of the officer's reckonable service under that superannuation scheme bears to such minimum period of service.

(6) Where an officer retires on a medical certificate from employment in a dissimilar public office in such circumstances that under the superannuation scheme applicable to that public office his reckonable service, if it were equal to his total reckonable service in similar and dissimilar public offices, would be treated as being increased to a specified period, there may be granted to him by the authority administering that superannuation scheme such retiring award as might have been granted to him if his reckonable service in that public office, when added to his aggregate reckonable service in all other public offices in which he has been employed, had been that specified period.

Reduction of retiring age where service has been in certain places abroad

6. Where—

- (a) in the last public office in which he was employed a person was subject to the Superannuation Act 1965 or to a superannuation scheme containing a provision corresponding to section 25 of that Act; and
- (b) any part of his service in a public office which is reckonable for the purpose of a retiring award under this Part of these Rules was service in a country or place to which the said section 25 for the time being applied,

subsection (3) of the said section 25 or the provision corresponding to it shall have effect in relation to that part of his service as if it were service in the last public office in which he was employed.

PART II

WIDOWS', CHILDREN'S AND DEPENDANTS' PENSIONS

Application and interpretation of Part II

7.—(1) Where a person—

- (a) dies after he has become eligible for a pension under Part I of these Rules; or
- (b) dies while still serving in a public office or in other employment approved for the purposes of the superannuation scheme applicable to the last public office in which he was employed, or while still serving, during such a period as is described in Rule 1(3)(ii) of these Rules, in an office which has ceased to be a public office, and would, if he had then retired on a medical certificate, have been eligible for a pension under Part I of these Rules; or
- (c) dies after having ceased to be employed in a public office or in such approved employment as aforesaid, or in such office which has ceased to be a public office as aforesaid, in such circumstances that, on attaining a particular age, he would or might have become eligible for a pension under Part I of these Rules;

and the superannuation scheme applicable to him in any of the public offices in which he was continuously employed provides for the payment on his death of pensions to his widow, children or other dependants, the provisions of this Part of these Rules shall have effect in relation to any such pension which may be paid in respect of his service in any of those public offices.

(2) In this Part of these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“approved employment”, in relation to an officer, means employment (not being employment in a public office) approved for the purposes of the superannuation scheme applicable to the last public office in which he was employed;

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“contributing authority”, in relation to any service of an officer in the civil service of the State, means the Treasury, and, in relation to any other service of an officer in a public office, means the authority administering the superannuation scheme applicable to that public office, being an authority in respect of whom the following conditions are satisfied—

- (a) the authority has, before the date of death or final retirement of the officer, adopted a system of superannuation whereunder provision is made for the payment, on the death of the officer, of pensions to his widow and children; and
- (b) arrangements have been made with the authority which, in the opinion of the Treasury, ensure that the total amount of the award of any widow's or children's pension which may be granted on the death of the officer shall be apportioned between that authority and other authorities contributing thereto in like proportions that an award of pension under Rule 3 of these Rules would or might have fallen to be apportioned among them on the officer's final retirement;

“contributing service” means any period of service rendered by an officer in a public office to which a superannuation scheme administered by a contributing authority is applicable, and “non-contributing service” shall be construed accordingly;

“ex-public office employment”, in relation to an officer, means employment, during such a period as is described in Rule 1(3)(ii) of these Rules, in an office which has ceased to be a public office;

“officer” means a person who fulfils the conditions in sub-paragraph (a), (b) or (c) of paragraph (1) of this Rule.

Widows' and children's pensions in respect of contributing service

8.—(1) Where an officer's continuous service in public offices includes one or more periods of contributing service, then—

- (a) if the last or only period of contributing service was service as a civil servant, Part III of the Superannuation Act 1965 shall apply, subject to the modifications specified in this Rule, in relation to any widow's or children's pension payable in respect of the officer's contributing service; and
- (b) in any other case, the superannuation scheme applicable to the last or only period of his contributing service shall apply, subject to modifications corresponding to those specified in this Rule, in relation to any widow's or children's pension payable in respect of the officer's contributing service.

(2) Any widow's or children's pension granted in respect of an officer's contributing service shall, where there have been two or more periods of such service, be payable by the contributing authority under whom he last served.

(3) In the application of Part III of the Superannuation Act 1965 to an officer any reference in section 50 of that Act—

- (a) to a superannuation allowance shall be construed as including a reference to the corresponding pension under Part I of these Rules;
- (b) to the deceased's serving as a civil servant shall be construed as including a reference to his serving in a public office (not in the civil service of the State) or in approved employment or in ex-public office employment; and
- (c) to the deceased's having ceased to be a civil servant shall be construed as including a reference to his having ceased to be employed in a public office (not in the civil service of the State) or in approved employment or in ex-public office employment.

(4) For the purpose of calculating the annual rate of any widow's or children's pensions in respect of an officer's contributing service, the expression “the rate of the superannuation allowance of the

deceased” in Part III of the Superannuation Act 1965 shall be construed as meaning the annual rate of the pension for which the officer would have been eligible, under Part I of these Rules, if that part of his service which was non-contributing service had been left out of account.

(5) The total amount of the award of widow's and children's pensions in respect of an officer's contributing service shall be apportioned among the contributing authorities in the like proportions that the pension referred to in the last preceding paragraph would, or might, have fallen under Part I of these Rules to be apportioned among them upon the officer's final retirement.

(6) Section 56 of the Superannuation Act 1965 shall apply in relation to an officer as if any reference therein—

- (a) to periodical contributions included a reference to similar contributions made to a contributing authority; and
- (b) to a person's ceasing to be a civil servant were a reference to his ceasing to be employed in a public office or in approved employment or in ex-public office employment.

(7) Section 57 of the Superannuation Act 1965 shall apply in relation to an officer as if any reference therein—

- (a) to an additional allowance or a gratuity under section 4 of that Act were a reference to the corresponding allowance under Part I of these Rules or a gratuity under Rule 11 of these Rules;
- (b) to periodical contributions included a reference to similar contributions made to a contributing authority;
- (c) to a person's ceasing to be a civil servant were a reference to his ceasing to be employed in a public office or in approved employment or in ex-public office employment; and
- (d) to reckonable service were a reference to contributing service.

(8) The contribution falling to be made under section 57 of the Superannuation Act 1965 (as modified by the last preceding paragraph) shall be apportioned among the contributing authorities in the like proportions that the award of widow's and children's pensions falls under paragraph (5) of this Rule to be apportioned among them.

(9) Where an officer's service in the last public office in which he was employed was not contributing service, the widow's and children's pensions payable on his death, and the contributions falling to be made under section 57 of the Superannuation Act 1965 (as modified by paragraph (7) of this Rule) or the corresponding provision (as so modified) of the superannuation scheme applicable to his employment under a contributing authority (not in the civil service of the State), shall be calculated and apportioned among the contributing authorities under whom he served as if he had died on the date when he was transferred from the service of the contributing authority under whom he was last employed.

(10) In the case of an officer in respect of whom the following conditions are fulfilled—

- (a) that he became employed in non-contributing service after 14th July 1949; and
- (b) that immediately before he became so employed he was a civil servant to whom Part III of the Superannuation Act 1965 applied, or was employed under a contributing authority (not in the civil service of the State) and the provisions corresponding to the said Part III applied to him under the superannuation scheme administered by that contributing authority; and
- (c) that he died in non-contributing service; and
- (d) that, within twelve months after his death or such longer period as the contributing authority under whom he last served may allow in any particular case, there has been paid to that contributing authority a sum equal to the amount of the contribution which would have fallen to be made in respect of him under section 57 of the Superannuation Act 1965 or the corresponding provision of the superannuation scheme administered by

the contributing authority, as the case may be, if he had died on the last day on which he last served under a contributing authority;

the contributing authority under whom he last served may grant in respect of him such widow's pension and children's pension as might have been granted if he had died on the last day on which he last served under that contributing authority.

(11) Where only part of any sum falling to be paid under sub-paragraph (d) of the last preceding paragraph is paid within the period specified therein, any widow's or children's pension which would, if the whole of the said sum had been paid, have been payable under Part III of the Superannuation Act 1965 (as modified by this Rule), or under the corresponding provisions (as so modified) of the superannuation scheme administered by the contributing authority under whom the officer last served, shall be reduced so as to bear to the full amount thereof the same proportion as the sum paid bears to the total sum falling to be paid.

(12) Notwithstanding anything in paragraph (10) or (11) of this Rule—

- (a) a payment made under sub-paragraph (d) of the said paragraph (10) shall be ineffective for the purposes of the said paragraphs (10) and (11) unless either a widow's pension or a children's pension can be paid in respect of the officer's contributing service at a rate equal to at least six pounds ten shillings per annum; and
- (b) where a payment is ineffective under the preceding sub-paragraph, the amount thereof shall be repaid.

Widows' and children's pensions in respect of non-contributing service

9. Where an officer's continuous service in public offices includes any period of non-contributing service, then for the purpose of any widow's or children's pension payable in respect of him under the superannuation scheme applicable to that service—

- (a) any pension for which the officer would have been eligible, or, as the case may be, for which he would or might have become eligible, under Rule 5 of these Rules in respect of that service shall be treated as if it were a pension payable under that scheme; and
- (b) if the officer has died in a subsequent period of service in a public office or approved employment or ex-public office employment, he shall be deemed to have died on the last day of the said period of non-contributing service.

Dependants' pensions

10.—(1) Where an officer has, under Part IV of the Superannuation Act 1965 or under the corresponding provisions of any superannuation scheme applicable to his employment under such an authority as is specified in paragraph (3)(c) of this Rule, nominated a dependant for whose benefit a pension may be granted after the officer's death, then the said Part IV shall have effect in relation to the officer subject to the modifications specified in this Rule, or, as the case may be, the corresponding provisions of the said superannuation scheme shall have effect in relation to him subject to modifications corresponding to those specified in this Rule.

(2) For the purpose of calculating the annual rate of any pension payable under Part IV of the Superannuation Act 1965 on the death of an officer, the expression “the rate of the superannuation allowance of the nominator” in the said Part IV shall be construed as meaning the annual rate of the pension for which the officer would or might have become eligible under Part I of these Rules if the aggregate of the periods of his service mentioned in the next following paragraph, and no other periods of service, had been or were to be taken into account for the purpose of an award under Part I of these Rules.

(3) The periods of service mentioned in the last preceding paragraph are—

- (a) any period of his service in the civil service of the State which is reckonable under the Superannuation Act 1965 as service in the capacity of a civil servant;
- (b) any period of service in a public office which terminated prior to the date when the officer made a nomination under Part IV of the Superannuation Act 1965 and in respect of which the authority under whom he served in that public office has agreed to pay such proportion of the award of pension under the said Part IV as is specified in the next following paragraph of this Rule; and
- (c) any period of service, beginning after the officer made a nomination under the said Part IV, in a public office under an authority which has adopted a system of superannuation whereunder provision is made for the payment of pensions to persons of the classes specified in section 70 of the Superannuation Act 1965 and for the making by that officer of contributions towards the cost of that system.

(4) The total amount of the award of pension under Part IV of the Superannuation Act 1965 as modified by this Rule shall be apportioned among the authorities administering the superannuation schemes applicable to the officer during the periods specified in sub-paragraphs (a), (b) and (c) of the last preceding paragraph in the like proportions that the pension mentioned in paragraph (2) of this Rule would or might have fallen under Part I of these Rules to be apportioned among them upon the officer's final retirement.

(5) Section 68 of the Superannuation Act 1965 shall apply in relation to an officer as if any reference therein—

- (a) to periodical contributions included a reference to similar contributions made to an authority administering the superannuation scheme applicable to a public office; and
- (b) to a person's ceasing to be a civil servant were a reference to his ceasing to be employed in a public office or in approved employment or in ex-public office employment.

(6) Section 69 of the Superannuation Act 1965 shall apply in relation to an officer as if any reference therein—

- (a) to an additional allowance or a gratuity under section 4 of that Act were a reference to the corresponding allowance under Part I of these Rules or a gratuity under Rule 11 of these Rules;
- (b) to periodical contributions included a reference to similar contributions made to an authority administering the superannuation scheme applicable to a public office;
- (c) to a person's ceasing to be a civil servant were a reference to his ceasing to be employed in a public office or in approved employment or in ex-public office employment; and
- (d) to reckonable service were a reference to service which is to be taken into account pursuant to paragraph (2) of this Rule.

(7) The contribution falling to be made under section 69 of the Superannuation Act 1965 (as modified by the last preceding paragraph) shall be apportioned among the authorities mentioned in paragraph (4) of this Rule in the like proportions that the award of pension falls under that Rule to be apportioned among them.

PART III

MISCELLANEOUS AND GENERAL

Death gratuities

11.—(1) Where a person who has been continuously employed in more than one public office dies while still employed in a public office or in approved employment, any period of service—

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- (a) which he has rendered in a public office before becoming employed in the last public office in which he was employed; and
- (b) which might have been reckoned for a retiring award under Part I of these Rules,

may, if the authority administering the superannuation scheme applicable to the last public office in which he was employed thinks fit, be treated, for the purpose only of counting towards any minimum period of qualifying service required by that superannuation scheme for the grant of a gratuity in respect of his death, as service in such last public office.

(2) Where the last public office in which a person to whom paragraph (1) of this Rule applies was employed and any other public office or offices in which he was employed are similar public offices in respect of service in which a single retiring award might have been made to him under Rule 3 of these Rules, and the gratuity granted in respect of his death under the superannuation scheme applicable to his last public office may be calculated by reference to the amount of the lump sum which might have been granted to him if he had retired on the ground of ill-health at the date of his death, then the gratuity may be calculated by reference to the amount of the lump sum which might have been granted to him under Rule 3 of these Rules if he had retired as aforesaid, and the cost of any gratuity so calculated shall be apportioned between the superannuation schemes applicable to the similar public offices in which he was employed in accordance with the provisions of Rule 4 of these Rules.

(3) Any gratuity payable in respect of the death of a person to whom paragraph (1) of this Rule applies shall, except in so far as is otherwise provided by paragraph (2) of this Rule, be paid exclusively by the authority administering the superannuation scheme applicable to the last public office in which he was employed.

(4) Where the last public office in which a person was employed and any other public office or offices in which he was employed are similar public offices in respect of service in which he became, after he retired, eligible for a single retiring award under Rule 3 of these Rules, section 4(2) of the Superannuation Act 1965 or any corresponding provision in the superannuation scheme applicable to his last public office shall have effect as if any reference to a superannuation allowance or an additional allowance were a reference to the corresponding benefit under Rule 3 of these Rules, and any gratuity payable under the said section 4(2) or any corresponding provision shall be paid exclusively by the authority administering the superannuation scheme applicable to his last public office.

(5) For the purpose of this Rule, “approved employment” means, in relation to any person, employment (not being employment in a public office) approved for the purposes of the superannuation scheme applicable to the last public office in which he was employed.

Transfer to the employment

12.—(1) This Rule shall apply to any person who—

- (a) has been continuously employed in a pensionable capacity in two or more public offices which not less than two are compatible public offices; and
- (b) ceases to be employed in a compatible public office and becomes employed in other employment, not being employment in a public office, in such circumstances that such of his service as is reckonable for the purposes of the superannuation scheme applicable to that compatible public office is treated, whether on payment of a transfer value or otherwise, as reckonable service for the purposes of the superannuation scheme applicable to that other employment.

(2) For the purposes of this Rule, a person shall be deemed to be employed in a compatible public office if he is employed in—

- (a) the civil service of the State; or

(b) any other public office in which he is subject to a superannuation scheme which is, in the opinion of the Treasury, so similar to the statutory superannuation scheme applicable to the civil service of the State that it is practicable to aggregate periods of service falling within each of those schemes.

(3) In this Rule a person to whom this Rule applies is referred to as an “officer”.

(4) The authority administering the superannuation scheme applicable to any compatible public office included in the public offices in which an officer was continuously employed in a pensionable capacity, except the last such compatible public office, may pay to the authority administering the scheme applicable to the compatible public office in which he was next employed after ceasing to be employed in the first-mentioned compatible public office a transfer value, calculated in accordance with tables approved by the Treasury, in respect of the aggregate of the periods of service which the officer was entitled to reckon for the purposes of each of the superannuation schemes applicable to the compatible public offices included in the public offices in which the officer was continuously employed in a pensionable capacity up to the time when he ceased to be employed in the first mentioned compatible public office.

(5) If the authority administering the superannuation scheme applicable to each of the compatible public offices included in the public offices in which the officer was continuously employed, except the last such compatible public office, makes the payment specified in the last preceding paragraph, the aggregate of the periods of service which the officer was entitled to reckon for the purposes of each of the superannuation schemes applicable to the compatible public offices included in the public offices in which he was continuously employed in a pensionable capacity before he became employed in the last compatible public office in which he was employed shall be treated as reckonable service for the purposes of the superannuation scheme applicable to that last compatible public office.

(6) Where—

- (a) an officer has been employed in two public offices and his service in the earlier of those public offices was non-pensionable service and his service in the later was pensionable service; and
- (b) the rules of the superannuation scheme applicable to the earlier public office were such that if he had subsequently rendered pensionable service in that public office his non-pensionable service therein would have been reckoned as to the whole or any part thereof for the purpose of the award of superannuation benefits under that scheme,

then, for the purposes of this Rule, he shall be treated as having served in the earlier public office in a pensionable capacity, and such period of service as would have been reckoned as aforesaid shall be treated as the period of service which the officer was entitled to reckon for the purposes of the superannuation scheme applicable to that earlier public office.

Treatment of certain approved employment

13. Where a person retires from, or dies while employed in, employment in a non-pensionable capacity in a public office, and that employment is treated as approved employment for the purposes of the superannuation scheme applicable to the last preceding public office in which he was employed, then his employment in the first mentioned public office shall be treated for the purposes of these Rules as if it were not employment in a public office, and accordingly the second mentioned public office shall be treated as the last public office in which he was employed.

Application to past service

14. These Rules shall apply in the case of a person who has been employed in one public office and become employed in another notwithstanding that the cessation of the first employment or the commencement of the second employment was before the date of the making of these Rules:

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Provided that these Rules shall not apply when the cessation of the first employment took place before the making of these Rules if the person ceasing to be employed elects that these Rules shall not apply to him.

Exceptions from the application of the Rules

15.—(1) If the application of these Rules would put a particular individual in a position less advantageous than that in which he would have been if the Rules did not apply in relation to him, they shall not be so applied.

(2) These Rules shall not apply in relation to any person if the only public offices in which he has been employments in a capacity remunerated out of moneys provided by the Parliament of Northern Ireland or the Consolidated Fund of Northern Ireland.

(3) These Rules shall not apply in relation to any person who, in any of the public offices in which he has been employed, has served in any of the capacities listed, or treated by virtue of any enactment as listed, in Schedule 1 to the Administration of Justice (Pensions) Act 1950, unless the Superannuation Act 1965 applies to him in respect of his service in that capacity.

(4) A person to whom Part III of the Commonwealth Telegraphs (Cable and Wireless Ltd. Pensions) Regulations 1955⁽¹⁾ applies and who has not become a civil servant shall, for the purposes of these Rules, be deemed not to be employed in a public office during any such period of employment in the civil service of the State in an unestablished capacity as is mentioned in Regulation 8 of those Regulations.

Interpretation

16.—(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 given by section 98(2) of the Superannuation Act 1965;

“continuously employed” has the meaning given by Rule 1(3) of these Rules;

“dissimilar public office” has the meaning given by Rule 2(3) of these Rules;

“non-pensionable service”, in relation to a person serving in the civil service of the State, means service in an unestablished capacity, and, in relation to a person serving in any other public office, means corresponding service under the superannuation scheme applicable to him in that public office, and “non-pensionable capacity” shall be construed accordingly;

“pension” means any pension payable by way of periodical payments, but does not include a gratuity;

“pensionable service”, in relation a person serving in the civil service of the State, means service as a civil servant, and, in relation to any person serving in any other public office, means corresponding service under the superannuation scheme applicable to him in that public office, and “pensionable capacity” shall be construed accordingly;

“public office” has the meaning given by section 39 of the Superannuation Act 1965, and, in relation to service at any time before 29th April 1965, includes any such office as is described in paragraph 10 of Schedule 10 to that Act;

“retiring award” means, in relation to any person, an award of any superannuation benefits on the retirement of that person;

“similar public office” has the meaning given by Rule 2(3) of these Rules.

(1) (1955 I. p. 500).

(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 shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Revocations and savings

17.—(1) The Rules specified in the Schedule to these Rules are hereby revoked.

(2) Without prejudice to the general application of section 38 of the Interpretation Act 1889 as it applies for the interpretation of these Rules, the revocation of any Rules by these Rules shall not affect—

- (a) any superannuation benefits granted before the coming into operation of these Rules; or
- (b) the right of any person under Rule 7 of the Superannuation (Public Offices outside the United Kingdom) Rules 1951(2) to elect under section 58(3) of the Superannuation Act 1965, as modified by that Rule, that Part III of that Act shall not apply to him.

Citation and Commencement

18. These Rules may be cited as the Superannuation (Public Offices) Rules 1967, and shall come into operation on 19th March 1967.

8th March 1967

George Lawson
Joseph Harper
Two of the Lords Commissioners of Her
Majesty's Treasury