
STATUTORY INSTRUMENTS

1948 No. 2434

THE NATIONAL INSURANCE AND CIVIL SERVICE (SUPERANNUATION) RULES, 1948.

PART IV

SCHEMES AND FUNDS

Affected schemes and funds

11.—(1) The provisions of this Part of these Rules apply to—

- (a) any pension scheme under which any person to whom Rule 2 or Rule 10 applies has pension rights; and
- (b) any pension fund held for the purposes of any such scheme.

(2) In this and the next succeeding Part of these Rules—

“affected scheme” means a pension scheme to which the provisions of this Part apply;

“affected fund” means a pension fund to which the provisions of this Part apply;

“affected person” means a person to whom Rule 2 or Rule 10 applies;

“pensioner” means a person to whom a pension is payable under an affected scheme or out of an affected fund in respect of a period which includes the appointed day.

Funds and assets wholly transferred

12. Subject to the provisions of Rule 15, where on the 25th June, 1948, the persons interested in an affected fund or having pension rights under an affected scheme included no persons who were not affected persons or pensioners or other persons who before that date were employed either—

- (a) by an Approved Society (including any branch thereof) transacting only health insurance business, or any separate section established for the purposes of the Health Insurance Act; or
- (b) by a body administering a special scheme under Section 73 of the Unemployment Insurance Act;

the whole of that fund or of the assets of that scheme shall, as at the appointed day, by virtue of these Rules—

- (i) in so far as such fund or assets consist of annuities, bills, stocks, shares, debentures, bonds, loans and other securities (except any policy of insurance, securing pension rights and any security, not being a debenture, by way of a charge or mortgage of land) be transferred to the National Debt Commissioners; and
- (ii) in so far as such fund or assets consist of any property which is not, in accordance with the foregoing provisions of this rule, transferred to the National Debt Commissioners, be transferred to the Minister;

and any liabilities under that scheme shall as at that day be transferred to the Minister.

Funds and assets partly transferred

13.—(1) Where, on the 25th June, 1948, the persons interested in an affected fund or having pension rights under an affected scheme included one or more persons who were neither affected persons nor pensioners nor such other persons as are mentioned in Rule 12, there shall, subject to the provisions of Rule 15, be transferred, as at the appointed day, such part of that fund or of the assets held for the purposes of that scheme as the Minister, after consultation with the Government Actuary, shall determine to be proper in respect of affected persons:

Provided that the Minister may after such consultation make further determinations under this rule in respect of affected persons not taken into account at the first determination, and transfers of further parts of the fund or assets shall be made accordingly.

(2) Any part of a fund or assets transferred in accordance with this rule shall—

- (a) in so far as such part consists of annuities, bills, stocks, shares, debentures, bonds, loans and other securities (except any policy of insurance securing pension rights and any security, not being a debenture, by way of a charge or mortgage of land) be transferred to the National Debt Commissioners; and
- (b) in so far as such part consists of any property which is not, in accordance with the foregoing provisions of this rule, transferred to the National Debt Commissioners, be transferred to the Minister.

(3) In the case of a fund or scheme to which the provisions of this rule apply, the following provisions shall apply during any period before the making of the first determination of the Minister in relation thereto:—

- (a) No dissolution of the fund or distribution of the assets of the scheme and no surrender or disposal of a policy of insurance whereby the pension rights of affected persons thereunder are secured shall be made without the consent of the Minister in writing, and no payments shall, without such consent, be made to affected persons in respect of their interest in, or rights under, the fund or scheme.
- (b) The Minister may, in giving such consent, state in writing any conditions subject to which it is given, and the dissolution, distribution, surrender, disposal or payment shall, as regards the interest or pension rights of affected persons, be subject to those conditions.
- (c) Nothing in the foregoing provisions of this paragraph shall prevent the payment to pensioners of any payment payable to them in respect of retirement or incapacity.

Persons who have lost their interest or rights since 1st January, 1946

14. Where, at any time on or after the 1st January, 1946, an affected person was interested in an affected fund or had pension rights under an affected scheme, but such interest or rights have been determined before these Rules come into operation (or, in the case of a civil servant, before he becomes a civil servant, if that is later) by the payment to him of a sum in respect of such interest or rights, the Minister, with the consent of the Treasury, may, as a condition of applying to his case any provision of these Rules providing for payments by the Treasury in respect of accrued rights, require—

- (a) the payment into the Exchequer by that person of the sum so received by him; and
- (b) the transfer under Rule 13 of the amount which, in the opinion of the Minister after consultation with the Government Actuary, would, apart from this rule, have been required to be so transferred in respect of that affected person but for the payment so made to him, less the amount of that payment;

and in default of such payment or transfer any payments by the Treasury in respect of accrued rights may be so modified or extinguished as the Minister, with the consent of the Treasury, may determine to be appropriate.

Transfer of funds, assets and liabilities, etc

15.—(1) In relation to affected persons, the liabilities of an affected fund, or under an affected scheme, shall, subject to the provisions of Rules 7, 9 and 10, be extinguished.

(2) The transfers made under Rules 12 and 13 shall be subject to the further provisions contained in the Third Schedule to these Rules.

(3) In the case of a fund or scheme to which Rule 12 applies, the Minister shall make such arrangements as appear to him to be requisite for securing the payment of the liabilities under the scheme to pensioners and such other persons as are mentioned in Rule 12 or to other persons in respect of them after their death and shall, in particular, make provision for the payment of pensions due to be paid out of the fund or assets at the next date of payment after the appointed day, so, however, that such arrangements shall not, by reason of any alteration in the method or source of payment or otherwise, in any way modify the pension rights of any of those persons and shall not, in particular, be deemed to convert any pension payable to those persons into a pension payable under the Superannuation Acts:

Provided that in any case in which, in connection with any provision made by the Act or by the National Insurance Act, or in anticipation of the making of any such provision, pension rights have been created otherwise than in the ordinary course, such adjustments shall be made in the calculation of the liabilities resulting from such creation as may appear to the Minister to be appropriate.

(4) The provisions of the Fourth Schedule to these Rules shall apply to the arrangements made in accordance with the last preceding paragraph.

Payment of transfer values

16. Notwithstanding anything in these Rules, in the case of a discharged employee in respect of whom the following conditions are fulfilled, that is to say:—

- (a) such transfer of a fund or assets and such payment (if any) into the Exchequer has been made as is required in his case by this Part of these Rules;
- (b) he has entered, or intends to enter, employment with which a pension scheme (in this paragraph called “the new pension scheme”) is associated, or in connection with which his employer intends to make provision for the payment to him of a pension, and he has shown to the satisfaction of the Minister that upon the payment to the trustees or managers of the new pension scheme, or to his employer, of such transfer value as is provided by this rule he will, either under the rules of the new pension scheme or under an undertaking entered into by his employer, have pension rights in respect of the whole or part of his former employment;
- (c) he has made a request to the Minister in writing for the payment of such transfer value, and has undertaken in such request to accept the making of such payment in full satisfaction of all claims he may have upon the Minister in respect of his pension rights; and
- (d) the Minister sees no reason why the payment of such transfer value should not be made;

the Treasury shall pay to the trustees or managers of the new pension scheme, or to his employer, a transfer value in respect of his accrued rights as certified by the Government Actuary, and after such transfer value has been paid no further payment in respect of accrued rights shall be made to or in respect of the discharged employee under these Rules.

Policies of insurance

17.—(1) Any policies of insurance under which the pension rights of affected persons are secured shall be included in the assets to which Rules 12 and 13 apply.

(2) In the case of policies transferred to him, the Minister may, from such date as he shall determine—

- (a) assume all or any of the rights in relation to such policies of the employers of the affected persons or of the trustees or managers of the affected funds or schemes;
- (b) continue the policies in force in cases to which Rule 6 applies;
- (c) require the issue of paid-up policies in respect of the premiums already paid;
- (d) (with the consent of the persons granting the policies) transfer them to other persons, including, if he deems it appropriate, the persons having pension rights thereunder.

(3) The persons granting such policies shall do all things necessary to enable these Rules to be complied with, and shall in particular issue any new policies that may be required:

Provided that—

- (a) the stamp duty on any new policies issued in substitution for existing policies shall be borne by the Minister; and
- (b) the said persons shall, in cases where new policies are required under an affected scheme in order to provide increased benefits, have the right in accordance with the terms of the scheme to decline, on health grounds, to grant an assurance or to require an increased premium.

(4) Where a policy of insurance is transferred under paragraph (2) of this rule to a person having pension rights under that policy, he shall be deemed to have received all payments due or to become due to him under these Rules in respect of his accrued rights.

Modification of trust deeds, etc

18. Nothing in any statutory provision relating to an affected fund or scheme, or in any trust deed, rules or other instrument made for the purposes thereof shall authorise anything that is contrary to these Rules.

Furnishing of information and records

19. Every employer or past employer of an affected person, and every trustee or manager of an affected fund or scheme, and the servants or agents of any such employer, trustee or manager, and every affected person—

- (a) shall furnish to the Treasury, the Minister, the Government Actuary, the tribunal or any officer of any of them all such information and produce for inspection all such documents as may reasonably be required for the purpose of ascertaining the service and pension rights of an affected person, and the nature, extent and location of funds and assets (and liabilities attaching thereto) to be transferred under these Rules; and
- (b) in the case of a transfer under Rule 12 shall (unless excused by the Minister from so doing) hand over, and in the case of a transfer under Rule 13 shall (unless so excused) either hand over, or furnish certified copies of, all books, records, papers and documents appertaining to the scheme or fund.

Revocation of National Insurance and Civil Service (Superannuation) (Schemes and Funds) Rules, 1948

20. The National Insurance and Civil Service (Superannuation) (Schemes and Funds) Rules, 1948, are hereby revoked, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder, so, however, that any transfer of a pension fund or of the assets held for the purposes of a pension scheme made by virtue thereof shall be treated as if it were a transfer made under Rule 12.