



Superannuation Act 1965

1965 CHAPTER 74

PART I

SUPERANNUATION BENEFITS

*Service in civil service preceded or followed by
service in other public office or approved employment*

38 Employment in more than one public office.

- (1) [^{F1}The Minister for the Civil Service] may make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed in more than one public office.
- (2) Rules under this section may in particular in relation to such persons—
 - (a) modify [^{F2}any] enactments forming part of the law of the United Kingdom or any part thereof ^{F3}. . . which are for the time being in force and under which pensions are payable in respect of employment in a public office,
 - (b) apply the provisions of [^{F4}the civil service scheme, with or without modifications, in substitution for any] enactments forming part of the law of the United Kingdom or any part thereof ^{F3}. . . , notwithstanding that [^{F4}that scheme] is not otherwise applicable in relation to any of those public offices,
 - (c) make provisions as to the manner in which any pensions are to be defrayed, and in particular make provision for the payment of a transfer value by one pension authority to another, including the payment of a transfer value out of the Exchequer,
 - (d) define the kinds of public offices which are to be treated for the purposes of the rules as different public offices,

and rules under this section may include such supplemental and incidental provisions as appear to [^{F1}the Minister for the Civil Service] to be expedient.

- (3) Rules under this section may provide either for separate pensions under the respective enactments relating to the different employments or for a single pension under the

Changes to legislation: There are currently no known outstanding effects for the Superannuation Act 1965, Section 38. (See end of Document for details)

enactments relating to the later or latest employment (or by virtue of subsection (2) (b) of this section under [^{F5}the civil service scheme] or employ partly the one method and partly the other:

Provided that if the rules provide for separate pensions in relation to different public offices the rules shall not modify [^{F5}the civil service scheme] or any other enactments so as to include as reckonable service in computing one of the separate pensions service in a public office in respect of which another of those separate pensions is payable.

- (4) Rules under this section may be so framed as to apply to persons ceasing to be employed in one public office and becoming 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 the rules:

Provided that no rules shall be framed so as to apply when the cessation of the first employment took place before the making of the rules unless the rules are only to apply with the consent of the person ceasing to be employed, or that person is by the rules given an opportunity to elect that they shall not apply to him.

- (5) If the application of the rules in force under this section 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.

[^{F6}(5A) References in this section to enactments shall be construed as including references to the civil service scheme, and in this section "the civil service scheme" means the principal civil service pension scheme within the meaning of section 2 of the ^{M1}Superannuation Act 1972 and for the time being in force].

- (6) In this section "pension", in relation to any person, means a pension of any kind whatsoever payable to or in respect of him, and includes a lump sum or gratuity so payable.

Textual Amendments

- F1** Words substituted by virtue of S.I. 1968/1656, **arts. 2(1)(6), 3(2)**
F2 Word substituted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 56(a)**
F3 Words in s.38(2)(a)(b) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1, Pt. IV, Group. 5**
F4 Words substituted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 56(b)**
F5 Words substituted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 56(c)**
F6 S. 38(5A) inserted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 56(d)**

Modifications etc. (not altering text)

- C1** S. 38 has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: S.I. 1981/1670, **arts. 2(1)(c), 3(5)**

Marginal Citations

- M1** 1972 c. 11.

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