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STATUTORY INSTRUMENTS

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**1948 No. 2434**

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

**PART II**

**PERSONS WHO BECOME CIVIL SERVANTS**

**Conditions to be satisfied in relation to former employment**

**3.—**(1) For the purposes of the last preceding rule and of Rule 10, the following conditions are to be satisfied in relation to a person's employment by such Society or body as is mentioned in the last preceding rule:—

(a) that the person—

(i) was continuously in full time employment by such Society or body from the 1st January, 1946, until the relevant date, and had on the said 1st January, 1946, pension rights in a pension scheme associated with that employment, or was then by the terms of his employment eligible to have such rights at a specified future date if he remained in the employment; or

(ii) on the 5th July, 1940, was employed full time by such Society or body in a permanent capacity or in a capacity having a recognised and considerable expectation of permanency, and was continuously so employed until the relevant date; and

(b) (except in the case of employment by a body administering a special scheme under Section 73 of the Unemployment Insurance Act) that during at least half of the person's working time from the 5th July, 1940 (or, if that is more favourable to the person, from the 1st January, 1946) until the relevant date, he was engaged in health insurance business.

(2) The provisions of this rule shall, in relation to any person who was engaged in war service at any time during the period from the 5th July, 1940, to the relevant date, apply subject to the provisions of the First Schedule to these Rules.

(3) Where in any particular case the foregoing conditions are not completely satisfied, but the facts of the case are such as in the opinion of the Minister show a substantial degree of satisfaction of the conditions and justify the treatment of the person as having satisfied them, the Minister may direct that the person shall be so treated, and these Rules shall apply accordingly.

(4) In this rule the expression “the relevant date” means—

(a) in the case of a person who becomes a civil servant, the date on which he last ceased to be employed by such Society or body;

(b) in the case of a person who suffers a loss of employment to which Rule 10 applies, the date of that loss of employment.

(5) In these Rules—

(a) the expression “former employment” means employment in relation to which the provisions of this rule are satisfied, and any earlier full time employment by such Society

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or body of which it is in continuation, and any reference to the period of a person's former employment shall be construed as referring to a continuous period ending with the relevant date, employment under successive employers being aggregated, so, however, that a period may in the discretion of the Minister be deemed to be continuous notwithstanding breaks in the employment due to sickness, unemployment or other reasonable cause, and the period or periods of any such breaks shall in that discretion be disregarded in computing the period of former employment;

- (b) the expression “former emoluments” means, in relation to a person's former employment, the normal annual rate immediately before the relevant date of his salary or wages, and the amount received during the twelve months before the relevant date by way of commission, fees and other similar payments, and bonus, allowance or overtime pay incorporated in the general wages structure, including any regularly recurring overtime, and the money value during those twelve months of any personal travel privileges appertaining to the employment, but does not include payments for travelling on duty, subsistence, clerical assistance, office accommodation or overtime pay not incorporated as aforesaid.