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STATUTORY INSTRUMENTS

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**1948 No. 2434**

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

**PART VI**

**MISCELLANEOUS**

**Persons having an expectation of a pension**

**23.**—(1) Where in the case of any person—

- (a) that person has enjoyed since not later than the 1st January, 1946, by customary practice or otherwise, a reasonable expectation of receiving a pension on retiring from his former employment (whether or not accompanied by a reasonable expectation of some payment by way of pension to him in the event of retirement through ill-health or incapacity or in respect of him upon his death); and
- (b) the arrangements for the payment of such pension (hereafter in this rule called “the said pension”), whether subsisting by virtue of Act of Parliament, trust, contract or otherwise, do not comply with the requirements of paragraph (3) of Rule 1, but that person would, but for that paragraph, be a person to whom Rule 7 or Rule 10 would apply; and
- (c) he has applied to the Minister not later than the 31st March, 1949 (or such later date as the Minister may for special reasons allow in a particular case) for the grant of a special award under this rule, and has proved his enjoyment of that expectation to the satisfaction of the Minister within a reasonable time thereafter;

the Minister, with the consent of the Treasury, may grant a special award under this rule equal to such proportion of the said pension as he considers equitable having regard to that person's age, the length of the period of his former employment, the provisions of these rules governing the ascertainment of accrued rights which would have applied in his case if the said pension had been payable under a pension scheme complying with the requirements of paragraph (3) of Rule 1 and not being a scheme to which paragraphs 4 and 5 of the Second Schedule to these Rules apply, and all other circumstances of his case.

(2) Any such award shall specify the contingency or contingencies on the happening of which payment under the award is to be made and the Treasury may, on the happening of any such contingency, make payments to or in respect of that person in accordance with the award, and for the purpose of this rule the provisions of paragraph 1 of the Second Schedule to these Rules shall apply to any contingency as though it were a contingency giving rise to accrued rights in the case of a person to whom Rule 7 or rule 10 applied:

Provided that the said payments may be reduced or extinguished as the Minister, with the consent of the Treasury, may determine to be appropriate having regard to any gratuity or allowance payable to the person under the Superannuation Acts and to any payments received or to be received by him from his employer in the former employment.

### **Exclusion of supplemental funds, etc**

24. Where, under any trust deed, rules or other instrument made for the purposes of any affected fund or scheme, provision is made for the voluntary payment by persons interested therein or having pension rights thereunder of contributions additional to those required by such trust deed, rules or other instrument, and those additional contributions are paid into a separate fund or account (hereinafter called “a supplemental fund”) into which no contributions are paid by the employers of those persons and out of which increased or additional benefits by way of pension are payable—

- (a) neither Part IV of these Rules nor Rule 25 shall apply to a supplemental fund;
- (b) pension rights in a supplemental fund shall not be taken into account in determining accrued rights for any purpose of these Rules; and
- (c) the payment of contributions into a supplemental fund in respect of any period of former employment shall not constitute that period a period of pensionable employment.

### **Transfers to the Ministry of Finance for Northern Ireland**

25.—(1) Where on the appointed day the persons interested in an affected fund or having rights under an affected scheme included one or more persons (hereinafter called “Northern Ireland employees”) in respect of whom the following conditions are fulfilled, that is to say:—

- (a) that they have been employed full time by any such Society or body as is mentioned in Rule 2 or by a body administering a special scheme under Section 77 of the Unemployment Insurance Act (Northern Ireland), 1936 (which section relates to special schemes);
- (b) that they have lost that employment; and
- (c) that either—
  - (i) they are entitled to receive compensation for that loss of employment under Section 64 of the National Insurance Act (Northern Ireland), 1946 (which section relates to compensation for displaced employees); or
  - (ii) that it is certified by the Ministry of Finance for Northern Ireland that they are persons towards whom the liabilities of that fund or under that scheme have been or will be assumed by a Government department for Northern Ireland;

there shall be transferred to the Ministry of Finance for Northern Ireland such part of that fund or of the assets held for the purposes of that scheme as the Minister, after consultation with that Ministry, shall determine to be proper in respect of Northern Ireland employees:

Provided that—

- (a) the Minister may, after such consultation, make further determinations under this rule in respect of Northern Ireland employees not taken into account at the first determination, and transfers of further parts of the fund or assets shall be made accordingly;
- (b) where anything that is to be transferred under this rule has already been transferred under Part IV of these Rules, it shall be transferred by the transferee to the said Ministry in accordance with this rule.

(2) In relation to Northern Ireland employees, the liabilities of an affected fund, or under an affected scheme, shall, subject to any obligations of any Government department for Northern Ireland (and, if they are affected persons, to the provisions of Rules 7, 9 and 10), be extinguished.

(3) In the case of Northern Ireland employees who are also affected persons, any transfers to be made under this rule or under Rule 13 shall be so adjusted as may appear to the Minister, after such consultation as aforesaid, to be appropriate, having regard to the liabilities undertaken in Great Britain and Northern Ireland respectively towards those persons.