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STATUTORY INSTRUMENTS

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**1949 No. 1327**

**The Superannuation (Approved Employment) Rules 1949**

**PART II**

**WIDOWS', CHILDREN'S AND DEPENDANTS' PENSIONS**

**4.** Subject to the provisions of this part of these Rules, Part I and Part II of the Act shall have effect in relation to a person who is an officer within the meaning of these Rules as they have effect in relation to a person who is a civil servant, and, accordingly—

- (a) references in sections two and sixteen of the Act to a superannuation allowance shall be construed as including references to a superannuation allowance payable under section four of the Superannuation Act, 1914, or under section eight of the Superannuation Act, 1935, and
- (b) references in the said sections, and in section fifty of the Act, to a deceased or a nominator serving as, or to him having ceased to be, a civil servant, shall be construed as references to him being employed in, or as the case may be, to him having ceased to be employed in, approved employment.

**5.** For the purpose of calculating the annual rate of any pension payable under Part I or Part II of the Act on the death of an officer, the rate of the superannuation allowance of the deceased shall be deemed to be the rate thereof for which the deceased had become eligible (whether such an allowance at that or any other rate had actually been granted or not) or, as the case may be, for which he would or might have become eligible under the provisions of section four of the Superannuation Act, 1914, of section eight of the Superannuation Act, 1935, and of these Rules, any abatements falling to be made under Regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946, being left out of account.

**6.—(1)** Sections seven and twenty of the Act shall not apply to an officer.

(2) Any contribution falling to be made in respect of an officer under Part I or Part II of the Act, shall take the form of a reduction of the additional allowance or gratuity payable to or in respect of him under section four of the Superannuation Act, 1914, or section eight of the Superannuation Act, 1935.

(3) References in subsection (4) of section nine of the Act and in subsection (4) of section twenty-two of the Act, to a person ceasing to be a civil servant, shall, in the application of those subsections to an officer to whom these Rules apply, be construed as including references to a person ceasing to be employed in approved employment.

**7.** Where an officer has made contributions under section seven or section twenty of the Act before ceasing to be a civil servant none of those contributions shall be returned to him upon his becoming employed in approved employment.

**8.—(1)** If—

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- (a) an officer ceases to be employed in approved employment in such circumstances that he is not qualified for the grant of a superannuation allowance under the Superannuation Acts, 1914 and 1935, and will not become qualified therefor on attaining a particular age, or
- (b) when an officer ceases to be employed in approved employment it appears that he has had no wife throughout the period for which Part I of the Act applied to him

any of the periodical contributions made by him under section seven of the Act may be returned to him and no reduction under Part I of the Act shall be made in the amount of his allowance or gratuity.

(2) If an officer ceases to be employed in approved employment in such circumstances that he is not qualified for the grant of a superannuation allowance under the Superannuation Acts, 1914 and 1935, and will not become qualified therefor on attaining a particular age, any of the periodical contributions made by him under section twenty of the Act while he was a civil servant may be returned to him and no reduction under Part II of the Act shall be made in the amount of his allowance or gratuity.

(3) The provisions of the two foregoing paragraphs of this Rule shall not apply in the case of an officer who, after ceasing to be employed in approved employment, becomes employed as a civil servant.

(4) Where any contributions are returned under this Rule they may be returned with compound interest at such rate or rates as the Treasury may from time to time determine.