



Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

1951 CHAPTER 65

PART IV

PROTECTION OF SUPERANNUATION RIGHTS

41 Extension of section one of Superannuation (Miscellaneous Provisions) Act, 1948

- (1) Section one of the Superannuation (Miscellaneous Provisions) Act, 1948 (which relates to the treatment for civil service, local government, teachers' and other superannuation purposes of persons called up for service under the National Service Act, 1948) shall, subject to the provisions of this Part of this Act, apply in relation to persons who enter upon service of a description specified in the First Schedule to this Act other than compulsory national service, as it applies in relation to persons who enter upon compulsory national service.
- (2) In the definition of the expression " compulsory national service " in subsection (7) of the said section one, for the words " work or training in pursuance of an order of a tribunal under section five of the National Service (Armed Forces) Act, 1939 (which relates to conscientious objectors)", there shall be substituted the words " work or training in pursuance of an order made or direction given under Part I of the National Service Act, 1948, as respects a conditionally registered conscientious objector. "
- (3) Subsection (2) of the said section one (which enables rules to be made providing that, where a person who has been successful in a competitive examination for posts in the permanent civil service of the state open to persons under the age of eighteen enters upon compulsory national service before becoming a civil servant, so much of the period of his service as falls after the issue to him by the Civil Service Commissioners of their certificate of qualification may be reckoned as service as a civil servant for superannuation purposes) shall, in relation to persons who enter upon service of a description specified in the First Schedule to this Act other than compulsory national service, have effect—

Status: This is the original version (as it was originally enacted).

- (a) as if after the word "State" there were inserted the words " or who has been nominated by a Government department with the approval of the Treasury for appointment to such a post " , and
 - (b) as if the words " and that examination, or any subsequent examination, for persons desiring to obtain similar posts, was one in which persons below the age of eighteen years were allowed to compete" were omitted.
- (4) Rules made under the said section one may make provision for securing that, where a person undertakes service of a description specified in the First Schedule to this Act other than compulsory national service—
- (a) the same period of time shall not be reckoned both for the purposes of any superannuation benefits which may become payable to or in respect of him by virtue of the rules and also for the purposes of naval, military or air force service retired pay, service pension, or service gratuity; and
 - (b) for the purpose of computing any superannuation benefits which may become payable as aforesaid, that person shall be treated as having received during the period of that service the remuneration which he would have received if he had remained in the employment in which he was engaged immediately before he undertook that service.

42 Provisions as to firemen's pensions

- (1) Subsection (2) of section twenty-six of the Fire Services Act, 1947 (which relates to the provisions which may be included in the Firemen's Pension Scheme brought into operation under that section) shall have effect as if after paragraph (a) thereof there were inserted the following paragraph:—
- “(aa) where a person immediately before he undertakes service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, or attends for hourly instruction as defined in section forty-two of that Act, either—
- (i) is a member of a fire brigade maintained in pursuance of this Act, or
 - (ii) is employed in employment on duties connected with the provision of fire services which is treated for the purposes of the Scheme as if it were employment as a member of such a fire brigade,
- for treating employment during the period of his service or instruction, and during such further period, if any, as may be specified in the Scheme, as employment as a member of such a fire brigade.”
- (2) In this section the expression "hourly instruction" means—
- (a) part-time service under the National Service Act, 1948, otherwise than pursuant to a training notice under that Act; and
 - (b) service for the purposes of training only performed by a person mentioned in paragraph 7 of the First Schedule to this Act for a period shorter than that mentioned in that paragraph.

43 Provisions as to police pensions

- (1) Subsection (2) of section one of the Police Pensions Act, 1948 (which enables regulations made under that section to provide that where a person ceases to be a member of a police force in order to undertake service under the National Service Act, 1948, the period of his service thereunder, and such further period, if any, as may be specified in the regulations, may be treated as a period of service as a member of a police force) shall have effect as if for the words " where a person ceases to be a member of a police force in order to undertake compulsory national service " there were substituted the words " where a person immediately before he undertakes compulsory national service is a member of a police force ".
- (2) The said subsection (2), as amended by the last preceding subsection, shall apply in relation to persons who undertake service of a description specified in the First Schedule to this Act other than compulsory national service, or attend for hourly instruction as defined in the last preceding section, as it applies in relation to persons who undertake compulsory national service.
- (3) In the definition of the expression " compulsory national service " in subsection (1) of section eight of the Police Pensions Act, 1948, for the words " work or training in pursuance of an order of a tribunal under section five of the National Service (Armed Forces) Act, 1939 (which relates to conscientious objectors) ", there shall be substituted the words " work or training in pursuance of an order made or direction given under Part I of the National Service Act, 1948, as respects a conditionally registered conscientious objector. "

44 Retrospective effect of Part IV

- (1) Any rules made under section one of the Superannuation (Miscellaneous Provisions) Act, 1948, in relation to persons in relation to whom that section applies by virtue of section forty-one of this Act, any order made for the purposes of section forty-two of this Act, and any regulations made under the Police Pensions Act, 1948, for the purpose of treating a period of compulsory national service, of service of a description specified in the First Schedule to this Act other than compulsory national service, or of hourly instruction as defined in section forty-two of this Act, and any further period specified in the regulations, as a period of service as a member of a police force, may be framed so as to have effect as from the fifteenth day of July, nineteen hundred and fifty.
- (2) Subsection (4) of section one of the Superannuation (Miscellaneous Provisions) Act, 1948 (which relates to the retrospective effect of certain rules made under that section) shall not apply in relation to persons in relation to whom the said section one applies by virtue of section forty-one of this Act.

45 Financial provisions

- (1) There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Part of this Act in any sums payable under any other enactment out of moneys so provided.
- (2) There shall be paid into the Exchequer any increase attributable to the provisions of this Part of this Act in any sums required under any other enactment to be so paid.