
STATUTORY INSTRUMENTS

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.