

## 1969 No. 34

## PENSIONS

**The Superannuation (Territorial and Auxiliary Forces Associations and Civil Service) Transfer Rules 1969**

*Made* - - - - - 13th January 1969

*Laid before Parliament* 17th January 1969

*Coming into Operation* 18th January 1969

The Minister for the Civil Service, in exercise of the powers conferred on him by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(a) and article 2(1)(c) of the Minister for the Civil Service Order 1968(b), and of all other powers enabling him in that behalf, hereby makes the following Rules :—

*Citation and commencement*

1. These Rules may be cited as the Superannuation (Territorial and Auxiliary Forces Associations and Civil Service) Transfer Rules 1969, and shall come into operation on 18th January 1969.

*Interpretation*

2.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“ Association ” means an Association established for the purposes of the Auxiliary Forces Act 1953(c) ;

“ the Associations Pension Fund ” means the Territorial and Auxiliary Forces Associations Pension Fund ;

“ civil servant ” has the meaning assigned to it by section 98 of the Superannuation Act 1965(d) ;

“ pensionable employment ” has the meaning assigned to it by section 17(1) of the Superannuation (Miscellaneous Provisions) Act 1948.

(2) Any reference in these Rules to the provisions of any enactment shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment.

(3) The Interpretation Act 1889(e) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

*Persons transferring from pensionable employment with an Association to the civil service*

3.—(1) This Rule shall apply to any person who, having been a member of the Associations Pension Fund, becomes employed as a civil servant within twelve months after ceasing to be employed in pensionable employment by an Association or within such longer period thereafter as the Minister for the Civil Service may allow in any particular case.

(a) 1948 c. 33.  
(c) 1953 c. 50.

(b) S.I. 1968/1656 (1968 III, p. 4485).  
(d) 1965 c. 74.  
(e) 1889 c. 63.

(2) This Rule shall apply to such person as aforesaid notwithstanding that he ceased to be employed by an Association or became employed as a civil servant before the coming into operation of these Rules :

Provided that—

(a) he consents to this Rule applying to him ; and

(b) he has not ceased to be employed by that Association before 1st January 1967.

(3) The period of service which a person to whom this Rule applies was, immediately before he ceased to be employed by an Association, entitled to reckon for the purposes of the Associations Pension Fund shall, for the purpose only of the provisions of the Superannuation Acts 1965 and 1967<sup>(a)</sup> with respect to the minimum periods of service which qualify for the benefit of those Acts, be treated as service in the capacity of a civil servant.

(4) Section 5 of the Superannuation Act 1965 (increase of certain allowances in cases of retirement for ill-health with less than twenty years' service) shall have effect in relation to a person to whom this Rule applies as if for the references in subsections (1) and (2) of that section to twenty years there were substituted references to a period equivalent to the amount by which twenty years exceeds such period of his service as is referred to in paragraph (3) of this Rule :

Provided that where such substituted period is shorter than the period of his service as a civil servant the said section 5 shall not apply to him.

Given under the official seal of the Minister for the Civil Service on 13th January 1969.

(L.S.)

*J. E. Herbecq,*

Authorised by the Minister  
for the Civil Service.

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### EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules provide for the past service of certain persons transferring from pensionable service with a Territorial and Auxiliary Forces Association to established service in the civil service to count towards any period of service necessary to qualify for benefits under the Superannuation Acts.

Under the powers conferred by section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948, the Rules apply to persons who have transferred before the coming into operation of the Rules provided such persons had not left the Association's employment before 1st January 1967.

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(a) 1965 c. 74; 1967 c. 28.