1959 No. 1243

The Superannuation (Transfers between Metropolitan Police Staffs and Local Government) Rules, 1959

Made - - - -	16*th July*, 1959
Laid before Parliament	23*rd July*, 1959
Coming into Operation	1*st August*, 1959

The Secretary of State and the Minister of Housing and Local Government, in pursuance of the powers conferred on them by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), and of all other powers enabling them in that behalf, hereby jointly make the following rules:—

PART I

General

1. These rules may be cited as the Superannuation (Transfers between Metropolitan Police Staffs and Local Government) Rules, 1959, and shall come into operation on the 1st day of August, 1959.

2.—(1) In these rules, unless the context otherwise requires—

"the Act of 1948" means the Superannuation (Miscellaneous Provisions) Act, 1948;

"the Act of 1937" means the Local Government Superannuation Act, 1937;

"the Scottish Act of 1937" means the Local Government Superannuation (Scotland) Act, 1937;

"the Act of 1953" means the Local Government Superannuation Act, 1953;

"added years" means—

(*a*) in relation to a person in local government service, any additional years of service reckonable by him under regulation 12 of the benefits regulations, any corresponding provision of a local Act scheme, or that regulation or any such provision as aforesaid as applied by regulations made under the Third or Fourth Schedule to the Act of 1953, and includes any additional years of service which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become and are reckonable under or by virtue of rules made under section 2 of the Act of 1948 or any other enactment;

(*b*) in relation to a person in police service, any additional years of service of the nature of additional years of service referred to in paragraph (*a*) of this definition which have been granted in, or have otherwise become reckonable in, his employment in police service;

(a) For details of all enactments referred to in these Rules, *see* the Table on pp. 2054, 2055.

" the appropriate authority " means—

(i) in relation to a person serving under, or, if he has ceased to be employed in police service, who last in that service served under, the Commissioner of Police of the Metropolis, the said Commissioner,

(ii) in relation to a person serving under, or, if he has ceased to be employed in police service, who last in that service served under, the Receiver for the Metropolitan Police District, the said Receiver and

(iii) in relation to a person serving as, or, if he has ceased to be employed in police service, who last in that service served as, a member of the staff of the metropolitan police courts, the Chief Magistrate of the metropolitan police courts;

" the benefits regulations " means in relation to England and Wales the Local Government Superannuation (Benefits) Regulations, 1954, and in relation to Scotland the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954;

" contributory employee " has the same meaning as in the Act of 1937 and the Scottish Act of 1937;

" local Act contributor " has the same meaning as in the Act of 1937 and the Scottish Act of 1937;

" local government service " means service in employment by virtue of which the person employed is, or is deemed to be, a contributory employee or local Act contributor within the meaning of the Act of 1937, or the Scottish Act of 1937;

" national service " in relation to any person means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and includes any period immediately following the termination thereof during which (with the consent, in the case of a clerk to justices, of the authority by whom he was appointed and, in the case of any other person, of the appropriate authority or local authority by whom he was employed before undertaking that service) the person continues in similar service;

" the orders " means the orders made by the Secretary of State under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted and as applied by section 5 of the Metropolitan Police Courts Act, 1897, and as extended by the Superannuation (Various Services) Act, 1938, and the Superannuation Act, 1949;

" the order of 1946 " means the Local Government and Metropolitan Police Staffs (Superannuation) Order, 1946;

" pension " has the meaning assigned to it by the Act of 1948;

" police service " means service in a situation pensionable under the orders the salary in respect of which is paid out of the Metropolitan Police Fund—

(i) under the Commissioner of Police of the Metropolis, or the Receiver for the Metropolitan Police District, otherwise than as a constable; or

(ii) as a member of the staff of the metropolitan police courts;

" the transfer value regulations " means in relation to England and Wales the Local Government Superannuation (Transfer Value) Regulations, 1954, and in relation to Scotland the Local Government Superannuation (Transfer Value) (Scotland) Regulations, 1954;

" voluntary contributions " means—

(*a*) in relation to a person who has become employed in police service after ceasing to be employed in local government service, payments made voluntarily by him for the purpose of securing benefits for his widow, children or other dependants and payments (other than completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) of any of the following categories—

(i) additional contributory payments of the kind referred to in subsections (3) and (4) of section 2 of the Act of 1953 ;

(ii) any similar payments made under a local Act scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme or, where the local Act scheme provides for the reckoning of non-contributing service, as contributing service for the purposes of the scheme ;

(iii) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating a benefit under a local Act scheme ;

(iv) any payments made in respect of added years ;

(*b*) in relation to a person who has become employed in local government service after ceasing to be employed in police service, any payments, similar in character to any such payments as aforesaid, for the continuation of which, during the period of his employment in police service, provision was made by or under any enactment ;

" war service " means war service within the meaning of the Local Government Staffs (War Service) Act, 1939, but does not include, in the case of a person who before the termination of his war service made a claim under section 10 of the Act of 1937, or section 10 of the Scottish Act of 1937, or any corresponding provision of a local Act scheme, for the return of contributions made by him for superannuation purposes, any part of his war service after the date on which the claim was made.

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

(3) For the purposes of these rules a clerk to justices shall be deemed to be in the employment of the magistrates' courts committee by whom he is or, under the provisions of the Justices of the Peace Act, 1949, is deemed to have been appointed and references to " employment " shall, in relation to any such person, be construed accordingly.

(4) The Interpretation Act, 1889, applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

3. Any payment required under these rules to be made by the Secretary of State shall be made out of the Metropolitan Police Fund, and any sums received by the Secretary of State under these rules shall be paid into that fund.

PART II

Provisions relating to officers transferring from local government service to police service

4.—(1) This part of these rules shall apply to any person who—

(*a*) either—

(i) becomes employed in police service within twelve months after ceasing to be employed in local government service, or

(ii) having been appointed to a post in police service within twelve months after ceasing to be employed in local government service, becomes employed in police service, but owing to causes which in the opinion of the Secretary of State are reasonable does not become so employed until after the expiration of such twelve months, or

(iii) having left his employment in local government service in order to undertake war service or having become engaged in national service immediately after leaving such employment, becomes employed in police service within six months after the termination of such war service or national service, or

(iv) having left his employment in local government service in order to undertake war service or having become engaged in national service immediately after leaving such employment, and having been appointed to a post in police service within six months after the termination of that war service or national service, becomes employed in police service, but owing to causes which in the opinion of the Secretary of State are reasonable does not become so employed until after the expiration of such six months ; and

(*b*) has not become entitled to a pension other than a return of contributions in respect of his local government service ; and

(*c*) within three months after the date on which he becomes employed in police service or within six months after the date of the coming into operation of these rules, whichever period last expires, notifies the appropriate authority that he desires these rules to apply to him, and furnishes that authority with particulars of any war service or national service in which he has been engaged since he left his previous employment ; and

(*d*) if he had received any payment by way of a return of contributions, other than voluntary contributions, in respect of his local government service, pays a sum equal to such payment to the Secretary of State within three months after the date on which he becomes employed in police service or within six months after the date of the coming into operation of these rules, whichever period last expires, or within such longer period as the Secretary of State may allow in any particular case.

(2) Any reference in sub-paragraph (*a*) of paragraph (1) of this rule to a period of twelve months after the date on which a person ceases to be employed in local government service shall be construed in relation to a person to whom section 6 of the Act of 1948 has become applicable as a reference to a period of five years after that date or such longer period as the Minister of Housing and Local Government or in the case of local government service in Scotland the Secretary of State may in any particular case allow.

(3) This part of these rules shall apply to such person as aforesaid, and shall be deemed always to have applied to him, notwithstanding that he ceased to be employed in local government service or became employed in police service before the coming into operation of these rules or the passing of the Act of 1948, if

(*a*) the local authority maintaining the superannuation fund to which he was last a contributor before he became employed in police service consents ;

(*b*) in the case of a person who has ceased to be employed in police service before the coming into operation of these rules, the Secretary of State consents ; and

(*c*) in the case of a person to whom the order of 1946 does not apply, he ceased to be employed in local government service not earlier than the 4th day of February, 1948.

(4) In this part of these rules a person to whom this part of these rules applies is referred to as " the officer ", the local authority in whose service the officer last was before he became employed in police service, or, if that authority has ceased to exist, the authority by whom the expenses of that authority were defrayable, is referred to as " the employing authority ", and the local authority maintaining the superannuation fund to which he was last a contributor before he became employed in police service is referred to as " the fund authority ".

5.—(1) The period of the officer's service which is reckonable at the time of his ceasing to be employed in local government service as contributing service for superannuation purposes, or as service or a period of contribution for the purposes of a local Act scheme, and any period of war service or national service after the officer's ceasing to be employed in local government service which would have been reckonable as aforesaid had the officer again become employed in local government service on the termination of his war service or national service shall be reckoned for the purposes of the orders as police service :

Provided that—

(*a*) where any period of service is reckoned at a fraction of its actual length for the purpose of calculating the transfer value paid by the fund authority under rule 6 of these rules, then account shall be taken of that period of service—

(i) at its actual length, for the purpose of determining whether the officer has served for the minimum period prescribed by the orders as necessary for any pension to be paid to or in respect of him ;

(ii) at the aforesaid fraction of its actual length, for the purpose of calculating the amount of any pension payable to or in respect of him under the orders ;

(*b*) in taking account of contributing service or any period of service or period of contribution for the purposes of a local Act scheme, regard shall be had to the provisions of rule 9 of these rules.

(2) Such part of the officer's service as is reckonable at the time of his ceasing to be employed in local government service as non-contributing service for superannuation purposes shall, as to one half of the period thereof, be reckoned for the purposes of the orders as police service :

Provided that—

(*a*) for the purpose of determining whether the officer has served for the minimum period prescribed by the orders as necessary for any pension to be paid to or in respect of him such part of his service as aforesaid shall be reckoned, as to the whole period thereof, as police service ; and

(*b*) where, in exercise of the powers conferred upon it by sub-paragraph (*a*) of paragraph (1) of rule 9 of the Local Government and Civil Service (Superannuation) Rules, 1936, as applied with modifications by the order of 1946, a local authority has passed a resolution in respect of the officer determining a higher rate for calculation of pension than one one-hundred-and-twentieth of his emoluments in respect of each completed year or part of a year exceeding six months of his non-contributing service, then for the purposes of these rules his non-contributing service shall be treated as though it were contributing service, but the length of such service shall be reckoned for the purpose of calculating any pension at such proportion only of its actual length as is obtained by multiplying the number of years of its actual length by sixty and by dividing the resulting figure by the denominator of the fraction constituting such higher rate as aforesaid.

(3) Where part of the officer's service, not being a part to which any of the preceding provisions of this rule relate, is reckonable at the time of his ceasing to be employed in local government service for the purpose of determining whether he is eligible to receive a pension but not for calculating the amount thereof, account shall be taken of that part for the purpose of determining whether the officer has served for the minimum period prescribed by the orders as necessary for any pension to be paid to or in respect of him and for no other purpose.

(4) Where during his local government service the officer has been employed as a part-time employee, the period of his part-time service shall be treated for the purposes of these rules as though it were whole-time service for a proportionately reduced period.

(5) Any of the officer's service which is reckonable by virtue of section 17 of the Act of 1937, section 15 of the Scottish Act of 1937 or the corresponding provision of any local Act scheme as contributing or non-contributing service, or service for the purpose of the local Act scheme, as the case may be, shall be disregarded for the purposes of these rules.

6. The fund authority shall upon these rules becoming applicable to the officer pay to the Secretary of State in respect of him out of the superannuation fund maintained by such authority a transfer value of an amount equal to the transfer value which would have been payable under the transfer value regulations if on ceasing to be a contributory employee or local Act contributor the officer had become such an employee or contributor under another local authority, less an amount equal to any sum which the trustees of the fund may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value and furnish the Secretary of State and the officer with the like particulars in respect of the officer's previous pensionable service as would have been given to the officer if he had become a contributory employee instead of becoming employed in police service :

Provided that—

(*a*) where the officer ceased to be employed in local government service more than twelve months before the coming into operation of these rules, the age which shall be taken into account for the purpose of calculating the transfer value payable under this rule shall be his age on the date when these rules come into operation ; and

(*b*) the transfer value payable under this rule shall be calculated as if—

(i) the words " not being such service as is mentioned in proviso (*a*) to that subsection " had been omitted from paragraph (*a*) of the definition of " service " in paragraph 1 of the first schedule to the Local Government Superannuation (Transfer Value) Regulations,

1954, or, as the case may be, as if the words " not being such service as is mentioned in proviso (*a*) to that section " had been omitted from paragraph (*a*) of the definition of " service " in paragraph 1 of the first schedule to the Local Government Superannuation (Transfer Value) (Scotland) Regulations, 1954;

(ii) the reference in paragraph (*b*) of each of the said definitions to paragraph (*a*) thereof were a reference to the said paragraph (*a*) as so amended; and

(iii) the transfer value payable in respect of a person who had been an established officer or servant within the meaning of the Asylums Officers' Superannuation Act, 1909, shall be calculated as if paragraph (*c*) had been omitted from the definition of " service " in paragraph 1 of the first schedule to the transfer value regulations; and

(*c*) where the officer had before entering local government service been an established officer or servant within the meaning of the said Act of 1909, as extended by any subsequent enactment, and had been a person to whom any regulations for the time being in force under Part V of the Second Schedule to the Act of 1937, or the Second Schedule to the Scottish Act of 1937, whether as originally made or as amended by any statutory provision, had been applicable, and where the body by whom he was last employed while subject to the said Act of 1909 would, if he had become entitled to a pension on ceasing to be employed in local government service, have been liable to contribute to that pension, that body or the appropriate authority in relation to that body (as defined in paragraph (9) of regulation 47 of the National Health Service (Superannuation) Regulations, 1947, or paragraph (9) of regulation 48 of the National Health Service (Scotland) (Superannuation) Regulations, 1948, as the case may be) shall make a payment to the fund authority of an amount equal to the transfer value which that body or the appropriate authority would have been liable to pay to the Minister of Health under paragraph (3) of the first mentioned regulation, or to the Secretary of State under paragraph (3) of the latter regulation, if either of those regulations had become applicable to the officer on the date when he became employed in police service, and where that body would in such circumstances as aforesaid have had, in respect of any such contribution to a pension as aforesaid, a right of contribution from any other body, that other body or the appropriate authority in relation to that other body (so defined as aforesaid) shall make a payment to the fund authority of an amount equal to the transfer value which that other body or the appropriate authority would have been liable to pay to the Minister of Health under paragraph (4) of the first mentioned regulation, or to the Secretary of State under paragraph (4) of the latter regulation, if either of those regulations had become applicable to the officer on the date when he became employed in police service.

7. Where the officer ceases to be employed in police service in circumstances which do not render him eligible for a pension under the orders, the Secretary of State may pay to or in respect of him whichever is the greater of the following sums:—

(*a*) a sum equal to the amount which might have been paid to or in respect of him under section 10 of the Act of 1937 or the Scottish Act of 1937, or, if in his local government service he was subject to a local

Act scheme, under any similar provision in that scheme, if the circumstances of his ceasing to be employed in his local government service had been similar to the circumstances in which he ceased to be employed in police service; or

(*b*) such a sum as the officer may be eligible to receive or as may be paid in respect of him under the orders by way of a short service gratuity or a death gratuity.

8.—(1) Where an officer becomes employed in police service after ceasing to be employed in local government service and these rules have become applicable in relation to him, the employing authority may, within three months after the date on which they are informed by the appropriate authority by whom he is employed in police service of his notification that he desires these rules to apply to him, exercise in relation to him any discretion which, with a view to increasing the pension payable to him, it would have been open to them to exercise at the time when he left their employment if he had then retired and had been entitled to a retirement pension under regulation 5 of the benefits regulations or (if that regulation was not applicable to him) to any corresponding benefit provided under the superannuation provisions which were applicable to him in his former employment.

(2) A decision made in the exercise of any discretion under the preceding paragraph shall be subject to the limitations and restrictions (if any) and to the right of appeal (if any) to which it would have been subject if the discretion had been exercised on the officer's retirement in the circumstances aforesaid.

(3) Where a discretion has been exercised under paragraph (1) of this rule, the service reckonable, immediately before he ceased to be employed in local government service, by the officer in whose favour the discretion has been exercised shall be deemed to have been correspondingly increased and the transfer value payable in respect of that officer shall be calculated accordingly.

(4) Any increase in service, if attributable to a decision under this rule to increase the pension payable to the officer otherwise than by any notional increase or extension of the service reckonable for the purpose of calculating that pension or by treating any specified period of non-contributing service as contributing service, or, under a local Act scheme, by similarly converting service of one category to service of another category, shall be ascertained by converting a higher rate of pension into years of contributing service or service for the purpose of the relevant local Act scheme in the manner in which fractions of remuneration are converted into years of contributing service under subsection (4) of section 2 of the Act of 1953.

(5) Where the amount of any transfer value payable under rule 6 of these rules is increased in consequence of the exercise by the employing authority of any power conferred upon them by paragraph (1) of this rule, the employing authority shall repay the amount of the said increase to the superannuation fund out of which the transfer value is payable.

(6) The preceding paragraphs of this rule shall not apply where the officer is a person to whom the order of 1946 has applied.

9.—(1) Where the officer was, at the time when he ceased to be employed in local government service, in the course of making payments (other than those to which paragraph (2) of this rule applies) by way of—

(*a*) instalments in discharge of a fixed sum; or

(*b*) contributions of a fraction or percentage of remuneration additional to the percentage payable in respect of current service, as a condition of being entitled to reckon the service in relation to which those payments were being made as a period of contributing service for the purpose of the Act of 1937 or the Scottish Act of 1937 or as service or a period of contribution for the purposes of a local Act scheme, or as a condition of increasing the length at which the said service would be reckonable for the purpose of calculating a pension under the Act of 1937 or the Scottish Act of 1937 or a local Act scheme, he shall be entitled, when giving notice to the appropriate authority in pursuance of sub-paragraph (*c*) of paragraph (1) of rule 4 of these rules, to elect to continue those payments in the manner provided by this paragraph and—

(i) if he does so elect and pays forthwith to the Secretary of State a sum equal to any sum paid to him by way of return of such payments on or after ceasing to be employed in his local government service, then—

(*a*) he shall be liable to pay the outstanding payments to the Secretary of State in the manner in which they would have been payable by him if he had remained in his local government service; and

(*b*) the service in respect of which those payments are made shall be reckonable for the purposes of the orders in the manner in which it would by virtue of these rules have been reckonable if, immediately before he left his local government service, he had been under no further liability in respect of such payments;

(ii) if he does not so elect, or if he fails to pay any sum payable to the Secretary of State under sub-paragraph (i) of this paragraph, then, for the purposes of the orders, account shall be taken of the service in respect of which the payments were being made only to the extent, if any, to which by virtue of these rules account would have been taken of that service if he had not been in the course of making such payments as aforesaid in respect thereof at the time when he left his local government service.

(2) Where the officer was, at the time when he left his local government service, in the course of making payments in respect of added years, he shall be entitled, when giving notice to the appropriate authority in pursuance of sub-paragraph (*c*) of paragraph (1) of rule 4 of these rules, to elect to continue to make the like payments to the Secretary of State in respect of the said added years as he would have been liable to make to the fund authority and, if he does so elect and pays forthwith to the Secretary of State a sum equal to any sum paid to him by way of return of any such payments on or after ceasing to be employed in his local government service, he shall be liable to make payments to the Secretary of State in respect of the said added years in the manner in which and at the times at which he would have been liable to make them under the superannuation provisions which were applicable to him in his local government service and, if he makes those payments, shall be entitled to have the added years reckoned for the purposes of the orders as police service:

Provided that—

(*a*) the said added years shall not be reckonable for the purposes of the orders if the officer left his local government service in such circumstances that in consequence of a resolution of the authority by whose

consent the added years first became reckonable he ceased to be entitled to reckon the added years; and

(*b*) no account shall be taken of added years for the purpose of determining whether the officer has served for the minimum period prescribed by the orders as necessary for any pension to be paid to or in respect of him.

10. Notwithstanding anything in the Act of 1937 or the Scottish Act of 1937 or any local Act scheme, no payment shall be made thereunder by way of a return of contributions, other than voluntary contributions, to any person to whom this part of these rules has become applicable.

11.—(1) In the case of an officer to whom the order of 1946 applies that order shall cease to apply to him upon his electing that these rules should apply to him.

(2) The order of 1946 shall not apply to any person who becomes employed in police service after the date of the coming into operation of these rules.

PART III

Provisions relating to officers transferring from police service to local government service

12.—(1) This part of these rules shall apply to any person who—

(*a*) either—

(i) becomes employed in local government service within twelve months after ceasing to be employed in police service, or

(ii) having become engaged in national service immediately after leaving his employment in police service becomes employed in local government service within six months after the termination of his national service; and

(*b*) has before ceasing to be employed in police service obtained the consent of the Secretary of State to his leaving police service for the purpose of entering local government service; and

(*c*) has not become eligible for a pension under the orders; and

(*d*) within three months after the date on which he becomes employed in local government service or within six months after the date of the coming into operation of these rules, whichever period last expires, notifies the local authority maintaining the superannuation fund to which he is then a contributor or, if he has ceased to be employed in local government service, the local authority maintaining the superannuation fund to which he was last a contributor that he desires these rules to apply to him, and furnishes such local authority with particulars of any national service in which he has been engaged since he left his previous employment.

(2) In determining whether for the purposes of sub-paragraph (*a*) of paragraph (1) of this rule a person—

(*a*) has become employed in local government service within twelve months after ceasing to be employed in police service, or within six months after the termination of his national service; or

(*b*) has become engaged in national service immediately after leaving his employment in police service,

the whole or part of any period which, after leaving his employment in police service, the person has spent on a course of study or training approved

by the Secretary of State shall, if the Secretary of State so directs, be disregarded:

Provided that this paragraph shall not apply to any person unless the authority or body employing him in his new employment are satisfied that by reason of his having undertaken the said course of study or training he is better fitted for the duties of that employment.

(3) This part of these rules shall apply to such person as aforesaid, and shall be deemed always to have applied to him, notwithstanding that he ceased to be employed in police service or became employed in local government service before the coming into operation of these rules or before the passing of the Act of 1948, if

(*a*) the Secretary of State consents;

(*b*) in the case of a person who has ceased to be employed in local government service before the coming into operation of these rules, the local authority maintaining the superannuation fund to which he was last a contributor consents; and

(*c*) in the case of a person to whom the order of 1946 does not apply, he ceased to be employed in police service not earlier than the 4th day of February, 1948, or, in the case of a person who left such service in order to become a clerk or assistant clerk to justices or an employee of the Standing Joint Committee of the County of London Quarter Sessions, the 31st day of December, 1945.

(4) In this part of these rules a person to whom this part of these rules applies is referred to as "the officer".

13.—(1) Subject as hereinafter provided the period of the officer's service which for the purposes of the orders is reckonable as police service, and any period of national service after the officer's ceasing to be employed in police service which would have been reckonable as police service for the purposes of the orders had the officer again become employed in police service on the termination of his national service, shall, if the Secretary of State has paid a transfer value in respect of the officer under rule 15 of these rules, be reckoned as contributing service for the purposes of the Act of 1937 or the Scottish Act of 1937, or as service or a period of contribution for the purposes of a local Act scheme, as the case may be.

(2) Where any part of the officer's service which for the purposes of the orders is reckonable as police service is attributable to service which before he became employed in police service was non-contributing service for local government superannuation purposes or for the purposes of regulations made under section 67 of the National Health Service Act, 1946, or section 66 of the National Health Service (Scotland) Act, 1947, such service shall be reckonable in the officer's local government service in the manner and to the extent to which it would be reckonable if in his employment in police service he had been a contributory employee.

(3) Where account is taken of any period of the officer's service for the purpose of determining whether he has served for the minimum period prescribed by the orders as necessary for any pension to be paid to or in respect of him that period shall, to the same extent, be reckonable in his local government service for the purpose of determining whether he has served for the minimum period prescribed by or under the enactment or scheme applicable to him in his local government service for any pension to be paid to or in respect of him.

14. Where the officer is a person who, having become employed in local government service before the date of the coming into operation of these

rules, ceased to be so employed before that date and again became or becomes so employed, the provisions of the Act of 1937, the Scottish Act of 1937 or any local Act scheme relating to the reckoning of service on change of employment shall have effect as if the police service which he has become entitled to reckon by virtue of the last preceding rule in relation to the employment which he first entered after ceasing to be employed in police service had been reckonable at the date when he ceased to hold that employment.

15. The Secretary of State may upon these rules becoming applicable to the officer pay to the local authority maintaining the superannuation fund to which the officer first becomes a contributor after ceasing to be employed in police service a transfer value of an amount equal to the transfer value which would have been payable under the transfer value regulations if the officer at the date when he ceased to be employed in police service had ceased to be a contributory employee or a local Act contributor under one local authority and had been entitled to reckon such service as is reckonable under rule 13 of these rules and had become a contributory employee or a local Act contributor under another local authority, less an amount equal to any sum which may become payable by way of income tax in respect of the amount transferred by way of transfer value:

Provided that—

(*a*) where the officer ceased to be employed in police service more than twelve months before the coming into operation of these rules the age which shall be taken into account for the purpose of calculating the transfer value payable under this rule shall be his age on the date when these rules come into operation;

(*b*) the age which shall be taken into account for the purpose of calculating the transfer value payable under this rule in respect of a person to whom paragraph (2) of rule 12 has become applicable shall be his age on the date on which he becomes employed in local government service.

16.—(1) Where the officer—

(*a*) ceases to be employed in local government service in the circumstances mentioned in subsection (1) of section 10 of the Act of 1937 or of the Scottish Act of 1937; or

(*b*) dies in the circumstances mentioned in subsection (3) of that section; or

(*c*) ceases by reason of permanent ill-health or infirmity of mind or body to be employed in local government service, or dies, in circumstances in which there is payable to or in respect of him a pension which falls to be calculated by reference to the amount of his contributions (with or without interest),

he shall be deemed to have made to the appropriate superannuation fund, on becoming a contributor to such fund, contributions in respect of the period of his employment in police service of an aggregate amount equal to three-eightieths of the annual salary and emoluments of his office multiplied by the number of completed years of his service in police service.

(2) In this rule "the annual salary and emoluments of his office" means the average annual amount of the pensionable salary and emoluments of his office during the three years ending with the last day of his service in police service or, where his service during that period is less than three years, the average annual amount of his pensionable salary and emoluments during the actual period of his said service.

17. Where the officer, before he ceased to be employed in police service, was an insured person within the meaning of the National Insurance Act, 1946, or, if he ceased to be so employed before the 5th day of July, 1948, an insured person under the National Health Insurance Acts, 1936 to 1938, as amended by the National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941, or under the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, then—

(*a*) if he had been excepted from the operation of any provision (hereafter in this rule referred to as "the modification provision") modifying the officer's benefits under the orders, the provisions of any regulations made by the Minister of Health, the Minister of Housing and Local Government or the Secretary of State under subsection (4) of section 69 of the National Insurance Act, 1946, and the provisions of any other regulations or any scheme replacing wholly or in part the provisions of regulations made under the said subsection (4), shall not apply to him; and

(*b*) if he had not been so excepted, the provisions of the said regulations shall apply to him as if any service which he reckoned as contributing service or as service or a period of contribution for the purposes of a local Act scheme or as non-contributing service under rule 13 of these rules, being service of which account would have been taken under the modification provision for the purpose of reducing any benefit to which the officer might have become entitled under the orders had he continued to be subject thereto, were service rendered on or after the 5th day of July, 1948.

18. The provisions of section 35 of the Act of 1937 and section 30 of the Scottish Act of 1937 shall have effect in relation to a person who becomes a contributory employee or a person who is deemed to be a contributory employee in circumstances in which this part of these rules applies as if the reference in those sections to regulations made under those Acts included a reference to these rules.

19. Where under rule 9 of these rules or any similar rule contained in other rules made under sections 2 and 15 of the Act of 1948 the officer has elected to make payments to the Secretary of State but has not during his employment in police service completed making such payments, then, if he pays forthwith to the authority maintaining the superannuation fund to which he is a contributor in his local government service a sum equal to any sum paid to him by way of return of such payments on or after ceasing to be employed in police service—

(*a*) he shall be entitled, in continuation of payments made in respect of added years, to make payments to the aforesaid authority in the manner in which those payments would have been payable to the Secretary of State if he had remained in his employment in police service and shall enjoy rights and be subject to liabilities as if those years were added years in respect of which payments are being made in his local government service under regulation 12 of the benefits regulations or, if in his local government service he is subject to a local Act scheme, under such provisions corresponding to the said regulation 12, to regulation 5 of the Local Government Superannuation (Reckoning of Service on Transfer) Regulations, 1954, or to regulation 5 of the Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations, 1954, as are contained in that scheme; and

(*b*) he shall be entitled, in continuation of other payments, to make payments and, in respect of the service in respect of which the payments

were being made, shall enjoy rights and be subject to liabilities as if in his previous employment he had been a local Act contributor instead of a person employed in police service.

20.—(1) In the case of an officer to whom the order of 1946 applies, that order shall cease to apply to him upon his electing that these rules shall apply to him.

(2) The order of 1946 shall not apply to any person who becomes employed in local government service after the date of the coming into operation of these rules.

Given under my hand this sixteenth day of July, nineteen hundred and fifty-nine.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

Given under the official seal of the Minister of Housing and Local Government this sixteenth day of July, nineteen hundred and fifty-nine.

(L.S.)

Henry Brooke,
Minister of Housing and Local Government.

TABLE OF ENACTMENTS REFERRED TO IN THESE RULES

Short Title	*Session and Chapter*
The Metropolitan Police Staff (Superannuation) Act, 1875.	38 & 39 Vict. c. 28.
The Metropolitan Police Staff Superannuation Act, 1885.	48 & 49 Vict. c. 68.
The Interpretation Act, 1889	52 & 53 Vict. c. 63.
The Metropolitan Police Courts Act, 1897.	60 & 61 Vict. c. 26.
The Police Act, 1909	9 Edw. 7. c. 40.
The Asylums Officers' Superannuation Act, 1909.	9 Edw. 7. c. 48.
The Metropolitan Police (Staff Superannuation and Police Fund) Act, 1931.	21 & 22 Geo. 5. c. 12.
The National Health Insurance Act, 1936.	26 Geo. 5. & 1. Edw. 8. c. 32.
The Widows', Orphans' and Old Age Contributory Pensions Act, 1936.	26 Geo. 5. & 1. Edw. 8. c. 33.
The National Health Insurance (Amendment) Act, 1937.	1 Edw. 8. & 1. Geo. 6. c. 24.
The Local Government Superannuation Act, 1937.	1 Edw. 8. & 1. Geo. 6. c. 68.
The Local Government Superannuation (Scotland) Act, 1937.	1 Edw. 8. & 1. Geo. 6. c. 69.
The Superannuation (Various Services) Act, 1938.	1 & 2 Geo. 6. c. 13.
The National Health Insurance (Amendment) Act, 1938.	1 & 2 Geo. 6. c. 14.

TABLE OF ENACTMENTS REFERRED TO IN THESE RULES—*cont.*

Short Title	*Session, Chapter, etc.*
The Local Government Staffs (War Service) Act, 1939.	2 & 3 Geo. 6. c. 94.
The National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941.	4 & 5 Geo. 6. c. 39.
The National Insurance Act, 1946 ...	9 & 10 Geo. 6. c. 67.
The National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
The National Health Service (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 27.
The Superannuation (Miscellaneous Provisions) Act, 1948.	11 & 12 Geo. 6. c. 33.
The Superannuation Act, 1949	12, 13 & 14 Geo. 6. c. 44.
The Justices of the Peace Act, 1949 ...	12, 13 & 14 Geo. 6. c. 101.
The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.	14 & 15 Geo. 6. c. 65.
The Local Government Superannuation Act, 1953.	1 & 2 Eliz. 2. c. 25.
The Local Government and Civil Service (Superannuation) Rules, 1936.	S.R. & O. 1936/651 (Rev. XVII, p. 519: 1936 II, p. 2030).
The Local Government and Metropolitan Police Staffs (Superannuation) Order, 1946.	S.R. & O. 1946/1391 (Rev. XIV, p. 775: 1946 I, p. 977).
The National Health Service (Superannuation) Regulations, 1947.	S.R. & O. 1947/1755 (Rev. XV, p. 799: 1947 I, p. 1373).
The National Health Service (Scotland) (Superannuation) Regulations, 1948.	S.I. 1948/412 (Rev. XV, p. 1050: 1948 II, p. 2478).
The Local Government Superannuation (Benefits) Regulations, 1954.	S.I. 1954/1048 (1954 II, p. 1595).
The Local Government Superannuation (Benefits) (Scotland) Regulations, 1954.	S.I. 1954/1059 (1954 II, p. 1632).
The Local Government Superannuation (Reckoning of Service on Transfer) Regulations, 1954.	S.I. 1954/1211 (1954 II, p. 1676).
The Local Government Superannuation (Transfer Value) Regulations, 1954.	S.I. 1954/1212 (1954 II, p. 1723).
The Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations, 1954.	S.I. 1954/1241 (1954 II, p. 1680).
The Local Government Superannuation (Transfer Value) (Scotland) Regulations, 1954.	S.I. 1954/1256 (1954 II, p. 1736).

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules contain provisions with respect to the superannuation rights of persons who after leaving pensionable employment in local government in England, Wales or Scotland enter, within the prescribed time limit (generally 12 months), pensionable employment in the police service, which for the purpose of these Rules means service under the Commissioner of Police of the Metropolis, or the Receiver for the Metropolitan Police District, otherwise than as a constable, or as a member of the staff of the metropolitan police courts, or who after leaving pensionable employment in the police service enter (within the same time limit) pensionable employment in local government in England, Wales or Scotland.

Definitions of expressions used in the Rules are contained in Part I. Part II provides that in the case of a person moving from pensionable local government employment in England, Wales or Scotland to pensionable employment in the police service his local government service shall, subject to certain conditions, be aggregated with his police service for pension purposes. Part II also provides for the payment of a transfer value by a local authority to the Secretary of State in such a case and, on any such move taking place, enables the local authority concerned to exercise certain discretionary powers with a view to increasing the benefits payable to or in respect of the employee on his retirement or death. Exercise of any such discretionary powers will result in an appropriate adjustment in the transfer value payable to the Secretary of State. Part II also contains provision with respect to the return of contributions and for the continuation in police service of payments which were being made with a view to adding to, or enhancing the value of, previous service at the time when the employee concerned left local government employment.

Part III provides for the aggregation of service and the payment of a transfer value by the Secretary of State to a local authority in the case of a person moving from police service to pensionable employment in local government service. Part III also contains provisions with respect to the rights of persons who in the police service were insured persons within the meaning of the National Insurance Act, 1946, and with respect to the application of section 35 of the Local Government Superannuation Act, 1937, and section 30 of the Local Government Superannuation (Scotland) Act, 1937 (which provide for the decision of questions and for appeals to the Minister and Secretary of State respectively). Part III also provides for the continuation in local government employment of payments which were being made with a view to adding to, or enhancing the value of, previous service at the time when the employee concerned left employment in the police service.

The Rules are given limited retrospective operation under the express authority of, and subject to the safeguards required by, section 2 (5) of the Superannuation (Miscellaneous Provisions) Act, 1948.