STATUTORY INSTRUMENTS

# 1965 No. 1041

## PENSIONS

## The Superannuation (Transfer of Mental Health Officers) Order 1965

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| *Made - - - -* | *27th April* 1965 |
| *Laid before Parliament* | *4th May* 1965 |
| *Coming into Operation* | *5th May* 1965 |

The Treasury, in exercise of the powers conferred upon them by paragraph 23 of Schedule 2 to the Superannuation (Amendment) Act 1965(a) and of all other powers enabling them in that behalf, hereby make the following Order:—

**1.**—(1) Where a person who serves as a civil servant on or after 29th April 1965 has become a civil servant in such circumstances that service in his previous employment may, by virtue of Regulation 77 of the Regulations of 1961 or any similar provision in or under any enactment, be taken into account in computing any allowance, gratuity or other benefit under the Superannuation Acts, and that previous employment includes employment as a mental health officer to whom the provisions of paragraph (1) or paragraph (2) of Regulation 51 of the Regulations of 1961 or any of the corresponding provisions are applicable, the aggregate period of his employment as a mental health officer and in the other capacities specified in the said paragraph (1) or paragraph (2) or the corresponding provision applicable to him, as the case may be, shall, subject to the provisions of the next following paragraph, be treated, for the purposes of subsection (3) of section 43 of the Superannuation Act 1949(b), as employment to which that section applies.

(2) In its application to the aggregate period of employment of a mental health officer to whom the provisions of paragraph (2) of Regulation 51 of the Regulations of 1961 or any of the corresponding provisions are applicable, subsection (3) of section 43 of the Superannuation Act 1949 shall have effect so that any period of his employment before he became a mental health officer shall be taken into account only for the purpose of determining whether he has completed the twenty years of actual service mentioned in that subsection and shall be so taken into account only for the purpose of determining whether any period of service rendered after he has attained the age of fifty years shall be reckoned as twice its length under the said subsection.

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

"civil servant" has the meaning assigned to it by section 63(2) of the Superannuation Act 1949;

"corresponding provision" means, in relation to any provision in the Regulations of 1961, the provision corresponding to that provision in the

(a) 1965 c. 10.

(b) 12, 13 & 14 Geo. 6. c. 44.

National Health Service (Superannuation) (Scotland) Regulations 1961(a), the Health Services (Superannuation) Regulations (Northern Ireland) 1962 or the National Health Service (Isle of Man) (Superannuation) Regulations 1955, or in any previous Regulations made under section 67(1) of the National Health Service Act 1946(b), section 66(1) of the National Health Service (Scotland) Act 1947(c), section 61 of the Health Services Act (Northern Ireland) 1948 or section 54 of the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald);

" the Regulations of 1961 " means the National Health Service (Superannuation) Regulations 1961(d);

" the Superannuation Acts " means the Superannuation Acts 1834 to 1965 and any Act amending those Acts.

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

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

**3.** This Order may be cited as the Superannuation (Transfer of Mental Health Officers) Order 1965, and shall come into operation on 5th May 1965.

*Harriet Slater,*
*G. H. R. Rogers,*
Two of the Lords Commissioners of Her Majesty's Treasury.

27th April 1965.

## EXPLANATORY NOTE

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

This Order provides continuity of service for the purpose of certain enhanced superannuation benefits for officers entering the Civil Service after having served as Mental Health Officers in the National Health Service. Service as a Mental Health Officer and in certain other capacities makes an officer eligible under the National Health Service Superannuation scheme for benefits similar to those provided in section 43 of the Superannuation Act 1949 (under which each year of service, after the first twenty, in certain kinds of employment is reckoned as two for superannuation purposes). This Order provides that if such officers transfer to Civil Service to which Section 43 applies, their previous service shall qualify for benefit under that section as it would have done for the similar benefits under the National Health Service scheme.

The Order applies to all those who have already entered the Civil Service and are still serving on 29th April 1965 as well as to those who enter the Civil Service in future.

(a) S.I. 1961/1398 (1961 II, p. 2697).
(b) 9 & 10 Geo. 6. c. 81.
(c) 10 & 11 Geo. 6. c. 27.
(d) S.I. 1961/1441 (1961 II, p. 2824).
(e) 52 & 53 Vict. c. 63.