STATUTORY INSTRUMENTS

1966 No. 769

PENSIONS

The Superannuation (Civil Servants and Members of the House of Commons) Transfer Rules 1966

Made - - -	*27th June* 1966
Laid before Parliament	*4th July* 1966
Coming into Operation	*5th July* 1966

The Treasury, in exercise of the powers conferred on them by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(a) as applied by section 13(6) of the Ministerial Salaries and Members' Pensions Act 1965(b), and of all other powers enabling them in that behalf, hereby make the following Rules:—

PART I

FORMER MEMBERS OF THE HOUSE OF COMMONS BECOMING CIVIL SERVANTS

1.—(1) This Part of these Rules shall apply to any person who—

(*a*) ceases to be a Member of the House of Commons after 15th October 1964 and becomes employed as a civil servant within twelve months after so ceasing or within such longer period thereafter as the Treasury may allow in any particular case; and

(*b*) has not become entitled to a pension under section 7 of the Ministerial Salaries and Members' Pensions Act 1965; and

(*c*) within three months after the date on which he becomes employed as a civil servant or within six months after the date of the making of these Rules, whichever period last expires, or within such longer period as the Treasury may allow in any particular case, notifies the Department in which he is then employed that he desires these Rules to apply to him, and furnishes such Department with particulars of his reckonable service as defined in section 7(5) of the Ministerial Salaries and Members' Pensions Act 1965.

(2) This Part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be a Member of the House of Commons or became employed as a civil servant before the coming into operation of these Rules:

Provided that—

(*a*) he has not ceased to be a civil servant before the coming into operation of these Rules; and

(*b*) the Trustees of the Members' Contributory Pension Fund consent.

(a) 1948 c. 33. (b) 1965 c. 11.

2. If the Treasury receive from the Trustees of the Members' Contributory Pension Fund a transfer value representing the value of the accrued pension rights in that Fund of a person to whom this Part of these Rules applies, that person shall be entitled to reckon as service in the capacity of a civil servant for the purposes of the Superannuation Act 1965(a) such period of service as is calculated in accordance with tables approved by the Treasury as appropriate in relation to that transfer value.

3. Where a person to whom this Part of these Rules applies ceases to be employed as a civil servant in circumstances which do not render him eligible for a superannuation allowance under the Superannuation Act 1965, the Treasury may, provided that he has not been dismissed in consequence of an offence of a fraudulent character or of grave misconduct, pay to or in respect of him whichever is the greater of the following sums:—

(*a*) a sum equal to the sum which would have been payable in respect of him by way of a refund of contributions and interest thereon under section 11(1) of the Ministerial Salaries and Members' Pensions Act 1965 if he had died in the circumstances described in section 11(1)(*a*) of that Act on the day on which he ceased to be a Member of the House of Commons; or

(*b*) such a sum as he may be eligible to receive or as may be paid in respect of him under the Superannuation Act 1965 by way of a short service gratuity or a death gratuity.

PART II

Former Civil Servants becoming Members of the House of Commons

4.—(1) This Part of these Rules shall apply to any person who—

(*a*) after ceasing to be employed as a civil servant becomes a Member of the House of Commons, being first elected such a Member not earlier than 15th October 1964; and

(*b*) before ceasing to be a civil servant or within twelve months thereafter notifies in writing the Department in which he is, or was last, employed that he intends to stand as a candidate at a Parliamentary election; and

(*c*) has not become eligible for an allowance or gratuity under the Superannuation Act 1965; and

(*d*) within three months after the date of his election or within six months after the date of the making of these Rules, whichever period last expires, or within such longer period as the Treasury may allow in any particular case, notifies the Trustees of the Members' Contributory Pension Fund that he desires these Rules to apply to him.

(2) This Part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed as a civil servant or was elected a Member of the House of Commons before the coming into operation of these Rules:

Provided that—

(*a*) if he was elected a Member of the House of Commons before the

(a) 1965 c. 74.

date of the coming into operation of these Rules, he is still a Member of that House on that date; and

(*b*) the Treasury consent.

5. The Treasury may, upon these Rules becoming applicable to a person to whom this Part of these Rules applies, pay to the Trustees of the Members' Contributory Pension Fund a transfer value calculated in accordance with tables approved by the Treasury in respect of such of that person's service as is reckonable for the purpose of the Superannuation Act 1965 as service in the capacity of a civil servant.

PART III

GENERAL

6.—(1) In these Rules the expression "civil servant" has the meaning assigned to it by section 98(2) of the Superannuation Act 1965.

(2) Except where the context otherwise requires, any reference in these Rules to a person ceasing to be a civil servant includes a reference to the death of a person who dies while he is a civil servant.

(3) 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.

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

7. These Rules may be cited as the Superannuation (Civil Servants and Members of the House of Commons) Transfer Rules 1966, and shall come into operation on 5th July 1966.

William Whitlock,
Joseph Harper,
Two of the Lords Commissioners of Her Majesty's Treasury.

27th June 1966.

(a) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide for the aggregation of service and for a single superannuation award in cases where persons transfer from established service in the Civil Service to Membership of the House of Commons or vice versa. Where such a transfer is made, the person is enabled, subject to the payment of an appropriate transfer value, to reckon previous service for pension under the superannuation scheme to which he transfers.

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. But a person who transfers to Membership of the House of Commons must have been first elected a Member not earlier than 15th October 1964; and a person who transfers to the Civil Service must have ceased to be a Member after that date.