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[Vol. XVII, p. 518]

THE UNEMPLOYMENT ASSISTANCE BOARD (SUPERANNUATION)  
RULES, 1935.(a) DATED JUNE 21, 1935

1935 No. 592

The Lords Commissioners of His Majesty's Treasury, after consultation with the Minister of Health and the Secretary of State for Scotland, in pursuance of the powers conferred upon Them by Section 51 of the Unemployment Act, 1934, and of every other power enabling Them in this behalf, hereby make the following Rules.

24 & 25 Geo.  
5. c. 29.

1. These rules shall apply to any officer or servant of a local authority who, being in pensionable local authority service, is appointed under the Unemployment Act, 1934, (in these rules referred to as "the Act") to serve in an established capacity in the Civil Service as an officer or servant of the Unemployment Assistance Board. Such officer or servant is in these rules referred to as "the officer" and such local authority as "his local authority".

2. The Superannuation Acts, 1834-1919, (in these rules referred to as "the Superannuation Acts") and every enactment (including every scheme made thereunder or in pursuance thereof) relating to the superannuation of officers and servants of local authorities (in these rules referred to as "a local superannuation enactment") shall, so far as applicable to the officer, have effect subject to the modifications made by these rules.

3.—(1) If the officer has a right to a return of contributions under the provisions of a local superannuation enactment, and within one month of his appointment under the Act, or, if he was appointed

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(a) These rules supersede the provisional rules of the same title which were made on the 29th March, 1935.

prior to the issue of these rules, before or within one month after the issue of these rules, gives notice in writing to his local authority relinquishing such right, any provision for the return of contributions shall, subject to the provisions of rule 7, cease to have effect in relation to him and any person claiming under him:

Provided that if such officer dies on or before the last day on which he may give notice as aforesaid and the Treasury are satisfied that he had decided to relinquish his right to a return of contributions, the Treasury may sanction the waiver of such notice in writing and thereupon the officer shall be deemed to have given notice in accordance with the terms of this rule.

(2) The local authority shall immediately inform the Unemployment Assistance Board of any such notice in writing as aforesaid which has been or shall hereafter be received by that authority.

4.—(1) For the purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any retiring award to him or (in the case of death) to his legal personal representatives, any period of pensionable local authority service shall, subject as hereinafter provided, be deemed to have been service in an established capacity in the Civil Service:

Provided that this paragraph shall not apply—

(a) to any period in respect of which the officer has made contributions under a local superannuation enactment, if those contributions have been returned to him and have not been subsequently refunded by him prior to his appointment under the Act or if, having a right to the return of them, he has not relinquished that right under these rules; or

(b) to any period which has been taken into account in the calculation of any superannuation allowance or pension awarded to him under a local superannuation enactment before he entered the Civil Service or of any annual allowance awarded to him by a local authority as compensation for the loss of the emoluments of a whole-time office or of any two or more offices which in the aggregate involved the whole-time service of the officer.

(2) When any such retiring award falls to be calculated upon the number of completed years served by the officer, the amount of such award shall be calculated only upon the number of completed years served by him in an established capacity in the Civil Service.

(3) If the aggregate pensionable service as determined under paragraph (1) of this rule amounts to at least 10 years but service in an established capacity in the Civil Service is less than 10 years, there may be granted to the officer under and subject to the Superannuation Acts an annual superannuation compensation or retiring allowance equal to one-eightieth (or, in the case of a female officer who is not subject to the provisions of the Superannuation Act, 1909, as applied by any later Act, to one-sixtieth) of the annual salary and emoluments of his office for each completed year of his service in an established capacity in the Civil Service.

5.—(1) On the retirement of the officer from the Civil Service in such circumstances that an annual superannuation allowance might be granted to him under the Superannuation Acts as modified by these rules, then, subject as hereinafter provided—

(a) if at the date of his appointment under the Act the officer was subject to a local superannuation enactment under which he might have become entitled to a superannuation allowance or pension from his local authority, he shall be entitled to receive from that authority a superannuation allowance ascertained in the following manner—

- (i) if he was subject to the Local Government and Other Officers' Superannuation Act, 1922, or to that Act as modified by Section 124 of the Local Government Act, 1929, or Section 7 of the Local Government (Scotland) Act, 1929, the superannuation allowance shall be an annuity payable during life and calculated at the rate of one-sixtieth of his pensionable emoluments in respect of each completed year (if any) of his contributing service under the relevant statutory provisions, and one one-hundred-and-twentieth (or such higher rate not exceeding one-sixtieth as the local authority may by resolution determine) of such emoluments in respect of each completed year or part of a year exceeding 6 months (if any) of his non-contributing service ;
- (ii) if he was subject to any other local superannuation enactment, the superannuation allowance shall be an annuity payable during life, or if under such local superannuation enactment a superannuation allowance or pension includes a lump sum payment in addition to an annuity, then an annuity payable during life and a lump sum, and shall be calculated at the rate of such fraction or fractions of his pensionable emoluments in respect of each year or part of a year of his pensionable local authority service as would have been applicable under that enactment in the calculation of his superannuation allowance or pension if at the date of his appointment under the Act he had attained the age of 60 years and completed 40 years of pensionable local authority service :

12 & 13 Geo.  
5. c. 59.

19 & 20 Geo.  
5. c. 17.

19 & 20  
Geo. 5. c. 25.

Provided that if the local superannuation enactment to which the officer was subject distinguishes between contributing and non-contributing service, any superannuation allowance which he shall be entitled to receive under the foregoing provisions of this rule shall, in so far as it relates to contributing service, be calculated at the full rate appropriate to contributing service notwithstanding that the period of such service may have been less than 10 years :

(b) if at the date of the officer's appointment under the Act, his local authority had a discretionary power under a local superannuation enactment to grant superannuation allowances or pensions to officers on retirement, that local authority may grant to the officer a superannuation allowance calculated at the rate of such fraction or fractions of his pensionable emoluments in respect of each year or part of a year of his pensionable local authority service as would have been applicable under the local superannuation enactment if he had been qualified for a grant thereunder at the date of his appointment under the Act.

(2) Notwithstanding anything in the foregoing provisions of this rule no superannuation allowance shall be granted in respect of service during any period referred to in the proviso to Rule 4 (1).

(3) For the purposes of this rule the expression “pensionable emoluments” means the amount in respect of salary wages and emoluments on which, at the date of the officer’s appointment under the Act, his superannuation allowance or pension under the local superannuation enactment applicable to him would have been based if at that date he had been entitled or qualified to receive one :

Provided that where such superannuation allowance or pension would have been based on the average emoluments received during a period of years and that period is longer than the period of the officer’s pensionable local authority service, the latter period shall be substituted for the longer period.

6. Where under the foregoing rule an officer will, if he retires from the Civil Service in such circumstances that an annual superannuation allowance might be granted to him under the Superannuation Acts as modified by these rules, become entitled to a superannuation allowance from his local authority, the local authority shall, as soon as may be after the issue of these rules, or after the officer’s appointment to serve in an established capacity in the Civil Service as an officer or servant of the Unemployment Assistance Board, whichever is later, record in its Minutes and notify both to the Board and to the officer the local superannuation enactment applicable to him, the length of the officer’s pensionable local authority service (contributing and non-contributing respectively) and the amount of his pensionable emoluments within the meaning of Rule 5 (3).

The Board shall similarly notify to the local authority as soon as may be the death, resignation or retirement of any such officer and if he is retired with an annual superannuation compensation or retiring allowance, the amount of such allowance and the length of service and the emoluments upon which it is calculated.

7. If the officer is retired from the Civil Service under Section 6 of the Superannuation Act, 1909, (abolition of office, etc.) with an annual compensation allowance, or under Section 2 of the Superannuation Act, 1887, (removal on the ground of his inability to discharge efficiently the duties of his office) with an annual retiring allowance, he shall be paid by his local authority such sum by way of return of pension contributions and interest (if any) as he would have been entitled to receive at the date of his appointment to the Civil Service if he had then retired from their service for the reason for which he is retired from the Civil Service, and in addition, if his contributions would then have been returnable with interest, interest similarly calculated in respect of the period from the date of his appointment to the Civil Service to the date of his retirement therefrom.

8.—(1) Nothing in these rules shall affect any liability or obligation of the officer in respect of any arrears of contributions under a local superannuation enactment.

(2) If any sum payable by the officer to his local authority for the purpose of acquiring superannuation rights under a local superannuation enactment remains unpaid at the date of his appointment under the Act, the officer shall be deemed for the purposes of the payment of

such sum to have remained in the service of the local authority, and in the event of his death before the whole of the sum has been paid the liability for the unpaid balance shall be treated as cancelled.

9. Any payment to an officer under these rules by a local authority by way of return of contributions or of a superannuation allowance (with any accompanying lump sum payment) shall be charged in the same manner, as nearly as may be, as such payment would have been charged if at the date of his appointment to the Civil Service the officer had been retiring from the service of the local authority in circumstances entitling him to or qualifying him for such payment under the local superannuation enactment applicable to him.

10. If any question arises between an officer and his local authority as to his right to any payment from the local authority under these rules or as to the amount of such payment, the question may be referred by either party to the Minister of Health, or where a Scottish local authority is concerned, to the Secretary of State for Scotland, who may determine the question.

11.—(1) In these rules, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

“the Civil Service” means the permanent Civil Service of the State;

“retiring award” includes any payment whether of an annual allowance or of an additional allowance or gratuity which may be made to an established civil servant or to his legal personal representatives under the Superannuation Acts.

(2) The Interpretation Act, 1889, applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict.  
c. 63.

12. These rules may be cited as the Unemployment Assistance Board (Superannuation) Rules, 1935.

*James Blindell,*

*George F. Davies,*

Two of the Lords Commissioners  
of His Majesty's Treasury.

Treasury Chambers,  
21st June, 1935.