(2) These Rules shall not have effect so as to authorise an increase in an annual superannuation allowance or pension so far as the allowance or pension is payable in respect of a period before the coming into operation of these Rules.

2.—(1) In these Rules the expression "the Superannuation Acts" means the Superannuation Acts, 1834 to 1950, and any Act amending those Acts.

(2) The Interpretation Act, 1889(**a**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. These Rules may be cited as the Superannuation (Wartime Social Survey and Civil Service) Transfer Rules, 1957, and shall come into operation on the twenty-first day of November, nineteen hundred and fifty-seven.

Dated this 18th day of November, nineteen hundred and fifty-seven.

Anthony Barber,
R. Brooman-White,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

These Rules provide for service in the Wartime Social Survey (after the age of 18) of employees who were taken into the Civil Service on 26th November, 1946, to be reckoned as unestablished civil service for the purposes of the Superannuation Acts.

INTERCHANGE RULES

1957 No. 2229

The Superannuation (Civil Service and Isle of Man Authorities) Transfer Rules, 1957

Made - - - -	19*th December*, 1957
Laid before Parliament	24*th December*, 1957
Coming into Operation	31*st December*, 1957

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred upon them by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(**b**), and of all other powers enabling them in that behalf, hereby make the following Rules:—

Part I—General Provisions

1. These Rules may be cited as the Superannuation (Civil Service and Isle of Man Authorities) Transfer Rules, 1957, and shall come into operation on the thirty-first day of December, nineteen hundred and fifty-seven.

(a) 52 & 53 Vict. c. 63. (b) 11 & 12 Geo. 6. c. 33.

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

(*a*) the following expressions have the meanings hereby respectively assigned to them :—

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

"the Governor" means the Lieutenant Governor of the Isle of Man and includes a Deputy or Acting Governor ;

"Isle of Man authority" means any of the following authorities, that is to say :—

(i) a Board within the meaning of the Superannuation (Officers of Boards) Acts, 1934 to 1939 (being Acts of Tynwald),

(ii) a local authority administering a superannuation scheme under section 13 of the Local Government Amendment Act, 1929 (an Act of Tynwald),

(iii) the Isle of Man Education Authority, and the governing body of any school any of whose employees are employed in contributory service under the School Teachers (Superannuation) Acts, 1919 to 1957 (being Acts of Tynwald),

(iv) the Treasurer of the Isle of Man administering a scheme under section 54 of the National Health Service (Isle of Man) Act, 1948 (an Act of Tynwald),

(v) the Isle of Man Board of Social Services administering a scheme under section 13 of the Social Services Act, 1948 (an Act of Tynwald), and

(vi) any other board, authority or body in the Isle of Man any of whose employees are entitled to participate in a superannuation scheme administered under the provisions of an Act of Tynwald ;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1950 ;

(*b*) the following expressions have the meanings respectively assigned to them by the Act :—

"civil servant" ;

"pension" ;

"pension scheme" ; and

"pensionable employment".

(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(a), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Part II—Provisions relating to persons transferring from service with an Isle of Man authority to the civil service

3.—(1) This part of these Rules shall apply to any person who :—

(*a*) becomes employed as a civil servant within twelve months after ceasing to be in the pensionable employment of an Isle of Man authority or within such longer period thereafter as the Treasury may allow in any particular case ; and

(a) 52 & 53 Vict. c. 63.

(*b*) immediately before he ceased to be in the employment of the Isle of Man authority was subject to a pension scheme which is approved by the Treasury for the purposes of these Rules ; and

(*c*) has not been awarded a pension under that pension scheme other than a return of contributions ; and

(*d*) has before changing his employment as aforesaid obtained the consent of the Isle of Man authority by whom he ceased to be employed ; and

(*e*) 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, notifies the Department in which he is employed that he desires these Rules to apply to him, and furnishes such Department with particulars of his previous pensionable employment ; and

(*f*) if he has received any payment by way of a return of contributions whether with or without interest on or after ceasing to be in the employment of the Isle of Man authority, not being contributions made voluntarily for the purpose of securing benefits for his widow, children or other dependants, pays a sum equal to such payment to the Treasury 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.

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

Provided that:—

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

(*b*) the Governor consents.

(3) In this part of these Rules a person to whom this part of these Rules applies is referred to as " the officer ", the Isle of Man authority by whom the officer was last employed before he became employed as a civil servant is referred to as " the employing authority ", and the authority administering the pension scheme to which the officer was subject immediately before he ceased to be employed by the employing authority is referred to as " the administering authority ".

4.—(1) Subject to the provisions of paragraph (2) of this Rule, if the Treasury receive from the administering authority a transfer value in respect of the service which immediately before the officer ceased to be employed by the employing authority he was entitled to reckon for the purposes of the pension scheme administered by the administering authority, such transfer value being calculated in accordance with tables approved by the Treasury, but being reduced by an amount equal to the aggregate of :—

(*a*) any sum payable by the officer to the Treasury under sub-paragraph (*f*) of paragraph (1) of Rule 3 of these Rules, and

(*b*) any sum which the administering authority may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value,

then such service as aforesaid shall be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant :

Provided that:—

(*a*) any service which for the purposes of the pension scheme administered by the administering authority would have been reckonable solely for the purpose of determining whether any pension was payable thereunder to or in respect of the officer shall not be reckoned under this Rule as service in the capacity of a civil servant except for the sole purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him; and

(*b*) any service which for the purposes of the pension scheme administered by the administering authority would not have been treated as service for the purpose of determining whether the officer is qualified for the grant of a pension under that scheme shall not be reckoned under this Rule as service in the capacity of a civil servant for the purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him.

(2) Where, before he ceased to be employed by the employing authority, the officer was subject to a pension scheme administered by a local authority under section 13 of the Local Government Amendment Act, 1929 (an Act of Tynwald), or to a pension scheme made under the Superannuation (Officers of Boards) Acts, 1934 to 1939 (being Acts of Tynwald), such part of the officer's service as was reckonable immediately before he ceased to be employed by the employing authority as non-contributing service for superannuation purposes shall, as to one half only of the period thereof, be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant, provided that for the purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts 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 service in the capacity of a civil servant.

5.—(1) Where the officer has agreed to make, but had not during his employment by the employing authority completed making, additional contributions under the pension scheme applicable to him in consideration of his service with the employing authority being treated for pension purposes as increased by an additional period, the period of service which under the last preceding rule is to be reckoned as service in the capacity of a civil servant shall be treated as being increased by such additional period:

Provided that this Rule shall not apply unless:—

(*a*) the Treasury receive from the administering authority, in addition to the transfer value mentioned in the last preceding Rule, a transfer value calculated so as to represent the liability of which the administering authority was relieved in respect of the said additional period, after the deduction therefrom of the value of the additional contributions which the person would have been liable to pay had he continued in the employment of the employing authority; and

(*b*) 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, the officer pays to the Treasury a sum equal to the value of the additional contributions which he would have been liable to pay as aforesaid.

(2) Notwithstanding the provisions of the last foregoing paragraph, where any such additional period as is referred to in that paragraph would not, for the purposes of the pension scheme administered by the administering authority, have been treated as service for the purpose of determining whether the officer is qualified for the grant of a pension under that scheme, such additional period shall not be reckoned as service in the capacity of a civil servant for the purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him.

6. Where the officer ceases to be employed as a civil servant in circumstances which do not render him eligible for a superannuation allowance under the Superannuation Acts, 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 aggregate of:—

(i) the sum which might have been paid to or in respect of him by way of a return of contributions and any interest thereon under the pension scheme administered by the administering authority if, when he ceased to be employed by the employing authority, he had ceased to be so employed in similar cricumstances, and

(ii) such sum (if any) as the officer has paid to the Treasury in accordance with proviso (*b*) to paragraph (1) of Rule 5 of these Rules; or

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

Part III—Provisions relating to persons transferring from the civil service to service with an Isle of Man authority

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

(*a*) enters the pensionable employment of an Isle of Man authority within twelve months after ceasing to be employed as a civil servant or within such longer period thereafter as the Treasury may allow in any particular case; and

(*b*) upon changing his employment as aforesaid becomes subject to a pension scheme which is approved by the Treasury for the purposes of these Rules; and

(*c*) has before changing his employment as aforesaid obtained the consent of the Head of the Department in which he ceased to be employed; and

(*d*) has not been awarded a pension under the Superannuation Acts; and

(*e*) within three months after the date on which he enters the employment of an Isle of Man authority or within six months after the date of the making of these Rules, whichever period last expires, notifies the Isle of Man authority by whom he is employed that he desires these Rules to apply to him, and furnishes such authority with particulars of his previous pensionable employment.

(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 became

employed by an Isle of Man authority before the coming into operation of these Rules or before the passing of the Act:

Provided that:—

(*a*) he has not ceased to be employed by such Isle of Man authority before the coming into operation of these Rules; and

(*b*) the Treasury consent.

(3) In this part of these Rules a person to whom this part of these Rules applies is referred to as "the officer", and the authority administering the pension scheme to which he becomes subject on becoming employed by the Isle of Man authority is referred to as "the administering authority".

8. If the Treasury are satisfied that the officer will be entitled under the pension scheme administered by the administering authority to reckon as service for the purposes of that scheme such of his service as is reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant, the Treasury may, upon these Rules becoming applicable to the officer, pay to the administering authority a transfer value calculated in accordance with tables approved by the Treasury in respect of such of the officer's service as is reckonable as aforesaid, but reduced by any sum which may become payable by way of income tax in respect of the amount transferred by way of transfer value.

9. Where, before he ceased to be employed as a civil servant, the officer was in course of paying, but had not completed paying, to the Treasury sums in the nature of additional contributions in consideration of his service in the capacity of a civil servant being treated for the purposes of the Superannuation Acts as increased by an additional period, there shall be deducted from the transfer value payable under the last foregoing Rule the value of the sums which he would have been liable to pay to the Treasury had he continued to be employed as a civil servant, and the right to receive those sums shall be transferred to the administering authority.

Dated this 19th day of December, nineteen hundred and fifty-seven.

Martin Redmayne,
R. Brooman-White,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

The purpose of these Rules is to provide for the aggregation of service and a single superannuation award for persons who transfer from pensionable service with certain public Authorities in the Isle of Man to established posts in the Civil Service, and vice versa. Those who transfer can reckon the whole of their service for pension under the superannuation system to which they transfer, subject to the payment of transfer values (calculated on tables approved by the Treasury) by the previous employer in respect of the former service. Subject to the conditions laid down in them, the Rules will apply to persons who transferred before the coming into operation of the Rules (Superannuation (Miscellaneous Provisions) Act, 1948, Section 2 (5)).