STATUTORY INSTRUMENTS

1971 No. 2013

PENSIONS

The Superannuation (Civil Service and Northern Ireland Teaching Service) Transfer Rules 1971

Made - - -	10*th December* 1971
Laid before Parliament	16*th December* 1971
Coming into Operation	17*th December* 1971

The Minister for the Civil Service, in exercise of the powers conferred on him by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(**a**) and article 2(1)(*c*) of the Minister for the Civil Service Order 1968(**b**), and of all other powers enabling him in that behalf, hereby makes the following Rules :—

PART I

GENERAL PROVISIONS

Citation and commencement

1. These Rules may be cited as the Superannuation (Civil Service and Northern Ireland Teaching Service) Transfer Rules 1971, and shall come into operation on 17th December 1971.

Interpretation

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

"civil servant" has the meaning assigned to it by section 98 of the Superannuation Act 1965(**c**) ;

"Northern Ireland teaching employment" in relation to any person, means employment by virtue of which that person is entitled to participate in the benefits provided by the Teachers (Superannuation) Acts (Northern Ireland) 1950 to 1967 ;

"pension" has the meaning assigned to it by section 17(1) of the Superannuation (Miscellaneous Provisions) Act 1948.

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

(**a**) 1948 c. 33.
(**b**) S.I. 1968/1656 (1968 III, p. 4485).
(**c**) 1965 c. 74.
(**d**) 1889 c. 63.

PART II

TRANSFERS FROM NORTHERN IRELAND TEACHING SERVICE TO THE CIVIL SERVICE

Application of Part II

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 employed in Northern Ireland teaching employment or within such longer period as the Minister for the Civil Service may allow in any particular case ; and

(*b*) has not become entitled to a pension other than a return of contributions in respect of his service in Northern Ireland teaching employment, or, if he has become so entitled, has not been granted such a pension ; and

(*c*) within three months after the date on which he becomes employed as a civil servant or within six months after the coming into operation of these Rules, whichever period last expires, or within such longer period as the Minister for the Civil Service may allow in any particular case, notifies the Department in which he is employed that he desires these Rules to apply to him ; and

(*d*) if after ceasing to be employed in Northern Ireland teaching employment he has received any payment by way of a return of contributions (other than family benefit contributions) in respect of his service in Northern Ireland teaching employment, pays to the Minister for the Civil Service, within three months after the date on which he becomes employed as a civil servant or within six months after the coming into operation of these Rules, whichever period last expires, or within such longer period as the Minister for the Civil Service may allow in any particular case, a sum equal to such payment, together with compound interest thereon calculated at the rate of 3½ per cent., per annum with yearly rests from the date when he received the payment by way of return of contributions to the date when he makes the payment to the Minister for the Civil Service.

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

Provided that—

(*a*) he ceased to be employed in Northern Ireland teaching employment not earlier than 1st April 1950 ; and

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

(3) Where a person who makes a payment to the Minister for the Civil Service in accordance with paragraph (1)(*d*) above became employed as a civil servant more than twelve months before the date of the coming into operation of these Rules or more than twelve months after ceasing to be employed in Northern Ireland teaching employment, the interest payable under paragraph

(1)(*d*) above shall not exceed a sum equal to one-half of the difference between the transfer value payable under these Rules and the transfer value which would be payable if calculated by reference to his age on ceasing to be employed in Northern Ireland teaching employment.

Reckoning of service

4.—(1) If the Minister for the Civil Service receives from the Ministry of Education for Northern Ireland a transfer value, calculated in accordance with the following provisions of this Rule, in respect of service which a person to whom this Part of these Rules applies was entitled to reckon as recognised or contributory service for the purposes of the Teachers (Superannuation) Acts (Northern Ireland) 1950 to 1967 immediately before he ceased to be employed in Northern Ireland teaching employment, the service in respect of which the transfer value is calculated shall, subject to paragraph (5) below, be reckoned for the purposes of the Superannuation Acts 1965 and 1967(**a**) as service in the capacity of a civil servant.

(2) The transfer value referred to in paragraph (1) above shall be calculated by reference to the Tables set out in Schedule 1 to the Local Government Superannuation (Transfer Value) Regulations 1954(**b**), account being taken of any amount by which any pension for which the person may become eligible under the Superannuation Acts 1965 and 1967 will be reduced in consequence of the National Insurance Act 1965(**c**).

(3) Where a person became employed as a civil servant more than twelve months before the date of the coming into operation of these Rules, the transfer value shall be calculated by reference to his age on that date.

(4) Where a person, not being a person to whom paragraph (3) above applies, became employed as a civil servant more than twelve months after ceasing to be employed in Northern Ireland teaching employment, the transfer value shall be calculated by reference to his age on the date on which he became employed as a civil servant.

(5) Where a person to whom this Part of these Rules applies was, at the date on which he ceased to be employed in Northern Ireland teaching employment, in the course of paying, but had not completed paying, additional contributions to the Ministry of Education for Northern Ireland as a condition of reckoning any period of service, and any such contributions which were not paid on or before that date are not paid to the Minister for the Civil Service within such time as he may require, the period of service in respect of which the contributions remain unpaid shall not be reckonable for the purposes of the Superannuation Acts 1965 and 1967 as service in the capacity of a civil servant.

Benefits payable in case of premature retirement or death

5. Where a person to whom this Part of these Rules applies dies, or ceases to be employed as a civil servant in circumstances which do not render him eligible for a superannuation allowance under the Superannuation Acts 1965 and 1967, the Minister for the Civil Service may, provided that he has not

(**a**) 1965 c. 74; 1967 c. 28.
(**b**) S.I. 1954/1212 (1954 II, p. 1723).
(**c**) 1965 c. 51.

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 might, at the time when he ceased to be employed in Northern Ireland teaching employment, have been paid to or in respect of him by way of a return of contributions and interest thereon ; 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 death gratuity or a short service gratuity, as the case may be.

PART III

TRANSFERS FROM THE CIVIL SERVICE TO NORTHERN IRELAND TEACHING SERVICE

Application of Part III

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

(*a*) becomes employed in Northern Ireland teaching employment within twelve months after ceasing to be employed as a civil servant or within such longer period as the Minister for the Civil Service may allow in any particular case ; and

(*b*) has obtained the consent of the head of the Department in which he was last employed to his changing his employment as aforesaid ; and

(*c*) has not become eligible for a pension under the Superannuation Acts 1965 and 1967, or, if he has become so eligible, has not been granted a pension under those Acts ; and

(*d*) within three months after the date on which he becomes employed in Northern Ireland teaching employment or within six months after the coming into operation of these Rules, whichever period last expires, or within such longer period as the Minister for the Civil Service may allow in any particular case, notifies the Ministry of Education for Northern Ireland 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 became employed in Northern Ireland teaching employment before the coming into operation of these Rules :

Provided that—

(*a*) he ceased to be employed as a civil servant not earlier than 1st April 1950 ; and

(*b*) he has not ceased to be employed in Northern Ireland teaching employment before the coming into operation of these Rules.

Payment of transfer value

7.—(1) If the Minister for the Civil Service is satisfied that a person to whom this Part of these Rules applies will be entitled to reckon as recognised or contributory service for the purposes of the Teachers (Superannuation)

Acts (Northern Ireland) 1950 to 1967 such of his service as is reckonable for the purposes of the Superannuation Acts 1965 and 1967 as service in the capacity of a civil servant, the Minister for the Civil Service may, upon these Rules becoming applicable to him, pay to the Ministry of Education for Northern Ireland a transfer value, calculated in accordance with the following provisions of this Rule, in respect of such of the person's service as is reckonable as aforesaid.

(2) The transfer value referred to in paragraph (1) above shall be calculated by reference to the Tables in Schedule 1 to the Local Government (Transfer Value) Regulations 1954, account being taken of any amount by which any pension for which the person may become eligible under the Teachers (Superannuation) Acts (Northern Ireland) 1950 to 1967 will be reduced in consequence of the National Insurance Act (Northern Ireland) 1966.

(3) Where a person became employed in Northern Ireland teaching employment more than twelve months before the date of the coming into operation of these Rules, the transfer value shall be calculated by reference to his age on that date.

(4) Where a person, not being a person to whom paragraph (3) above applies, became employed in Northern Ireland teaching employment more than twelve months after ceasing to be employed as a civil servant, the transfer value shall be calculated by reference to his age on the date on which he became employed in Northern Ireland teaching employment.

Eligibility for pensions under the Superannuation Acts to cease

8. Where a person to whom this Part of these Rules applies was, on ceasing to be employed as a civil servant, eligible for a pension under the Superannuation Acts 1965 and 1967, he shall, upon the payment by the Minister for the Civil Service of a transfer value in respect of him under Rule 7 above, cease to be so eligible.

Given under the official seal of the Minister for the Civil Service on

10th December 1971.

(L.S.)

K. H. McNeill,
Authorised by the Minister
for the Civil Service.

EXPLANATORY NOTE

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

These Rules provide for the aggregation of service and a single superannuation award in cases where persons transfer from established service in the Civil Service to reckonable service under the Teachers (Superannuation) Acts (Northern Ireland) 1950 to 1967, or vice versa. Where such a transfer is made, the person is enabled 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, subject to conditions specified in the Rules, to persons who have transferred before the coming into operation of the Rules.