Part IV contains miscellaneous provisions with respect to the return of contributions, the rights of persons who in the civil service of Northern Ireland were insured persons within the meaning of the National Insurance Act (Northern Ireland), 1946, and the application of section 35 of the Local Government Superannuation Act, 1937 (which provides for decisions on questions and appeals to the Minister).

The Rules extend to changes of employment which have taken place before the date of coming into operation of the Rules, but only where the person concerned became, or, as the case may be, ceased to be employed in an established capacity in the permanent civil service of Northern Ireland on or after 1st April, 1950. The Rules are given this limited retrospective operation under the express authority of, and subject to the safeguards required by, section 2 (5) of the Superannuation (Miscellaneous Provisions) Act, 1948.

1957 No. 2197

The Superannuation (English Local Government and Northern Ireland Health Service) Interchange Rules, 1957

Made - - - -	*17th December,* 1957
Laid before Parliament	*20th December,* 1957
Coming into Operation	*1st January,* 1958

The Minister of Housing and Local Government, in exercise of his powers under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), and of all other powers enabling him in that behalf, hereby makes the following rules:—

PART I

General

Citation and commencement

1. These rules may be cited as the Superannuation (English Local Government and Northern Ireland Health Service) Interchange Rules, 1957, and shall come into operation on the 1st day of January, 1958.

Interpretation

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

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

"the Act of 1909" means the Asylums Officers' Superannuation Act, 1909(b);

"the Act of 1937" means the Local Government Superannuation Act, 1937(c);

"the Act of 1948" means the Health Services Act (Northern Ireland), 1948(d);

"the Act of 1953" means the Local Government Superannuation Act, 1953(e);

"the Acts of 1937 to 1953" means the Local Government Superannuation Acts, 1937 to 1953;

"added years" means—

(*a*) in relation to a contributory employee or local Act contributor, any additional years of service reckonable by him under regulation 12 of

(a) 11 & 12 Geo. 6. c. 33. (b) 9 Edw. 7. c. 48. (c) 1 Edw. 8 & 1 Geo. 6. c. 68. (d) 1948 c. 3 (N.I.) (e) 1 & 2 Eliz. 2. c. 25.

the Benefits Regulations, any corresponding provision of a local Act scheme or that regulation or any such provision as aforesaid as applied by regulations made under the Third or Fourth Schedule to the Act of 1953, and includes any additional years of service which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become and are reckonable under or by virtue of rules made under section 2 of the Act or any other enactment;

(*b*) in relation to an officer, any additional years of service of the nature of additional years of service referred to in paragraph (*a*) of this definition which have become reckonable under the Health Services Regulations;

"the Benefits Regulations" means the Local Government Superannuation (Benefits) Regulations, 1954(**a**);

"contributory employee" has the same meaning as in the Act of 1937 and includes a person deemed to be a contributory employee and any reference to employment in or by virtue of which a person is or was a contributory employee shall be construed accordingly;

"employing authority" means any authority which under the Health Services Regulations is, or is treated as if it were, an employing authority within the meaning of those Regulations;

"local Act contributor" has the same meaning as in the Act of 1937 and includes a person deemed to be a local Act contributor and any reference to employment in or by virtue of which a person is or was a local Act contributor shall be construed accordingly;

"the Health Services Regulations" means the Health Services (Superannuation) Regulations (Northern Ireland), 1954(**b**);

"the Transfer Value Regulations" means the Local Government Superannuation (Transfer Value) Regulations, 1954(**c**);

"the Minister" means the Minister of Housing and Local Government;

"the Ministry" means the Ministry of Health and Local Government for Northern Ireland;

"national service" in relation to any person means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**d**), and includes any period immediately following the termination thereof during which (with the consent, in the case of a justices' clerk, of the authority by whom he was appointed, and in the case of any other person, of the authority or person by whom he was employed before undertaking that service) the person continues in similar service;

"officer" (except that it does not include a person to whom paragraph (2) of regulation 6 of the Health Services Regulations applies) has the same meaning as in the Health Services Regulations or, in the case of a person who left employment in Northern Ireland before the first day of July, 1954, (being the date of the coming into operation of the Health Services (Superannuation) Regulations (Northern Ireland), 1954) the same meaning as in the regulations which were in force under subsection (1) of section 61 of the Act of 1948 immediately before he left his said employment, and includes a person to whom those regulations apply as if he were an officer of an employing authority;

(**a**) S.I. 1954/1048 (1954 II, p. 1595).
(**b**) S.R. & O. (N.I.) 1954/83.
(**c**) S.I. 1954/1212 (1954 II, p. 1723).
(**d**) 14 & 15 Geo. 6. c. 65.

" voluntary contributions " means—

(*a*) in relation to a person who has become or before the commencement of these rules became an officer after leaving employment in which he was a contributory employee or local Act contributor, payments made voluntarily by him for the purpose of securing benefits for his widow, children or other dependants and payments (other than completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) of any of the following categories—

(i) additional contributory payments of the kind referred to in subsections (3) and (4) of section 2 of the Act of 1953;

(ii) any similar payments made under a local Act scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme or, where the local Act scheme provides for the reckoning of non-contributing service, as contributing service for the purposes of the scheme;

(iii) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating a benefit under a local Act scheme;

(iv) any payments made in respect of added years;

(*b*) in relation to a person who has entered employment in which he is a contributory employee or local Act contributor after leaving employment in which he was an officer, any payments similar in character to any such payments as aforesaid for which, when he left the employment in which he was an officer, provision was made in the Health Services Regulations.

(2) References in these rules to the provisions of any enactment, rules or regulations shall be construed, unless the context otherwise requires, as references to those provisions as amended, applied or re-enacted by any subsequent enactment, rules or regulations.

(3) For the purposes of these rules a justices' clerk shall be deemed to be in the employment of the magistrates' courts committee by whom he is or, under the provisions of the Justices of the Peace Act, 1949(**a**), is deemed to have been, appointed and references to " employment " shall, in relation to any such person, be construed accordingly.

(4) References in these rules to provisions of the Health Services Regulations shall be construed in the case of a person who ceased to be an officer before the first day of July, 1954, as references to the corresponding provision (if any) of any previous regulations in force under subsection (1) of section 61 of the Act of 1948 immediately before the person ceased to be an officer.

(5) The Interpretation Act, 1889(**b**), applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

(**a**) 12, 13 & 14 Geo. 6. c. 101. (**b**) 52 & 53 Vict. c. 63.

Definition of "the prescribed time limit"

3.—(1) Subject as hereinafter provided, "the prescribed time limit" means—

(*a*) in rule 4, a period of twelve months after leaving employment as a contributory employee or local Act contributor or, in the case of a person who immediately after leaving such employment became engaged in national service, a period of six months after the termination of that service;

(*b*) in rule 6, a period of twelve months after leaving employment as an officer or, in the case of a person who immediately after leaving such employment became engaged in national service, a period of six months after the termination of that service:

Provided that the reference in sub-paragraph (*a*) of this paragraph to a period of twelve months from the date on which a person ceased to be employed shall be construed in relation to a person to whom section 6 of the Act has become applicable as a reference to a period of five years from that date or such longer period as the Minister may, in any particular case, allow.

(2) Subject as hereinafter provided, in the case of a person who in his new employment is or before the commencement of these rules was an officer having been in his former employment a contributory employee or local Act contributor engaged in an employment mentioned in paragraph (4) of this rule, or who is or before the commencement of these rules was a contributory employee or local Act contributor engaged in any such employment as is mentioned in that paragraph having in his former employment been an officer—

(*a*) in reckoning the said period of twelve months or, as the case may be, the said period of six months mentioned in sub-paragraphs (*a*) and (*b*) of the last preceding paragraph no account shall be taken of any period spent by the person on a course of study or training which he entered after leaving his former employment;

(*b*) if the person left employment in which he was a contributory employee or local Act contributor or, as the case may be, an officer, in order to enter a course of study or training and on completion of that course became engaged in national service, he shall be deemed for the purposes of the last preceding paragraph to have left his former employment at the time when he completed the said course of study or training.

(3) The provisions of the last preceding paragraph shall not apply—

(*a*) to a person who in his new employment is or was an officer as aforesaid unless—

(i) before leaving his former employment (or, if between leaving that employment and entering the said course of study or training he was engaged in national service, before the end of that service) he gave notice in writing to the authority by whom he was employed of his intention to enter the said course of study or training;

(ii) he has not received, in pursuance of a claim made by him, a return of contributions from the fund to which he was a contributor in his former employment; and

(iii) the Ministry is satisfied that by reason of having undertaken the said course of study or training the person is or was better fitted for the duties of his new employment;

(*b*) to a person who in his new employment is or was a contributory employee or local Act contributor as aforesaid unless—

(i) the said course of study or training was approved by the Ministry on the person's written application made before or within three months after the commencement of the course; and

(ii) the authority employing him in his new employment are satisfied that by reason of having undertaken the said course of study or training he is or was better fitted for the duties of his new employment:

Provided that a person who, immediately after leaving employment as a contributory employee or local Act contributor, becomes engaged in national service and before the termination of that service gives notice of his intention to enter a course of study or training may, on giving such notice, pay to the authority maintaining the superannuation fund to which he was formerly a contributor an amount equal to any sums paid to him by way of return of contributions, in pursuance of a claim made by him, by that authority and, if he pays that amount, shall be deemed for the purposes of sub-paragraph (*a*) of this paragraph not to have claimed a return of contributions.

(4) The employments to which paragraph (2) of this rule refers are—

(*a*) employment as a person to whom regulation 21 or 23 of the Benefits Regulations applies or as a person to whom the said regulation 23 would have applied if she had given the notice referred to in subsection (2) of section 9 of the Act of 1953 (which relates to female members of staffs of children's homes and hostels);

(*b*) employment as a person to whom regulation 22 of the Benefits Regulations or a provision of a local Act scheme corresponding to the said regulation 23 applies or as a person to whom such a provision would have applied if she had given a notice corresponding to that referred to in subsection (2) of section 9 of the Act of 1953;

(*c*) in the case of a male person, employment in a children's home or hostel provided by a local authority under any enactment, other than an enactment relating to education, in which the person has the care of persons under the age of eighteen years.

PART II

Transfer from English Local Government to Northern Ireland Health Service

Transfer values payable to the Ministry of Health and Local Government for Northern Ireland

4.—(1) Where after ceasing to be employed in employment by virtue of which he was a contributory employee or local Act contributor a person becomes or, before the commencement of these rules, became an officer within the prescribed time limit and without having become entitled to any benefit under the Acts of 1937 to 1953 or the Act of 1937 or the local Act scheme to which he was subject, other than a return of contributions, then, if he notifies the employing authority in writing within three months after entering their employment or, if he entered their employment before the date of the coming into operation of these rules, within six months after that date, that he desires these rules to apply to him and, if he ceased to hold his former employment before the date of the coming into operation of these rules, the authority maintaining the fund to which he was a contributor consent, the like transfer value shall be payable to the Ministry

out of the fund to which the person was a contributor by the authority maintaining that fund as would have been payable under the Transfer Value Regulations, had the person become a contributory employee, less an amount equal to any sum which the trustees of the fund may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value, and the like particulars relating to the person's previous pensionable service shall be furnished to the Ministry and the person as would have been given to the person if instead of becoming an officer he had become a contributory employee:

Provided that—

(*a*) this rule shall not apply in relation to any person unless within three months after entering the employment of the employing authority or, if he entered their employment before the commencement of these rules, within six months after that date, he furnishes them with particulars of any national service in which he has been engaged since he left his former employment and pays to them an amount equal to any sum paid to him by way of return of contributions other than voluntary contributions;

(*b*) this rule shall not apply to any person who became an officer before the commencement of these rules unless he ceased to hold his former employment not earlier than the fourth day of February, 1948;

(*c*) the transfer value payable in respect of a person who had been an established officer or servant within the meaning of the Act of 1909 shall be calculated as if paragraph (*c*) had been omitted from the definition of "service" in paragraph 1 of the First Schedule to the Transfer Value Regulations;

(*d*) the age which shall be taken into account for the purpose of calculating the transfer value under this rule in respect of a person to whom paragraph (2) of rule 3 of these rules applies, being a person who, since leaving his former employment and before entering his new employment has undergone a course of study or training, shall be his age at the date when he becomes employed as an officer, or if he became an officer before the date of the coming into operation of these rules, his age at that date;

(*e*) the transfer value payable in respect of a person who ceased to hold his former employment more than twelve months before the date of the coming into operation of these rules shall be calculated by reference to his age at that date.

(2) Where a transfer value is payable in respect of a person who before becoming a contributory employee or local Act contributor had been subject to the Act of 1909 and the body by whom he was last employed while subject to the Act of 1909 would, if he had become entitled to a superannuation allowance on ceasing to be employed as such contributory employee or local Act contributor, have been liable to contribute to that allowance, that body, or if that body has been dissolved or has ceased to exercise functions as such, the appropriate authority in relation to that body shall pay to the authority maintaining the fund out of which the transfer value is payable a sum equal to the transfer value which that body or the appropriate authority aforesaid would have been liable to pay to the Minister of Health under paragraph (4) of regulation 56 of the National Health Service (Superannuation) Regulations, 1950(a), if that regulation

(a) S.I. 1950/497 (1950 I, p. 1327).

had become applicable to the person on the date when he became an officer; and where that body would have had in respect of any such contribution to a superannuation allowance as aforesaid a right of contribution from any other body, that other body, or if that other body has been dissolved or has ceased to exercise functions as such, the appropriate authority in relation to that other body shall pay to the authority maintaining the superannuation fund aforesaid an amount equal to the transfer value which that other body or the appropriate authority in relation to that other body would have been liable to pay to the Minister of Health under paragraph (5) of the said regulation 56 if that regulation had become applicable to the person when he became an officer.

In this paragraph "appropriate authority" in relation to a body has the same meaning as in paragraph (15) of the said regulation 56.

Exercise by local authority of discretionary powers to increase benefits

5.—(1) Where a person becomes or before the commencement of these rules became an officer after having ceased to be a contributory employee or local Act contributor and these rules have become applicable in relation to him, the authority or body by whom he was employed may, within three months after the date on which they are informed by the Ministry of his notification that he desires these rules to apply to him, exercise in relation to him any discretion which, with a view to increasing the benefits payable to him, it would have been open to them to exercise at the time when he left their employment if he had then retired and had been entitled to a retirement pension under regulation 5 of the Benefits Regulations or (if that regulation was not applicable to him) to any corresponding benefit provided under the superannuation provisions which were applicable to him in his former employment.

(2) A decision made in the exercise of any discretion under the last preceding paragraph shall be subject to the limitations and restrictions (if any) and to the right of appeal (if any) to which it would have been subject if the discretion had been exercised on the person's retirement in the circumstances aforesaid.

(3) Where a discretion has been exercised under paragraph (1) of this rule the service reckonable, immediately before he left his employment, by the person in whose favour the discretion has been exercised shall be deemed to have been correspondingly increased and the transfer value payable in respect of that person shall be calculated accordingly.

(4) Any increase in service, if attributable to a decision under this rule to increase the benefits payable to the person otherwise than by any notional increase or extension of the service reckonable for the purpose of calculating those benefits, or by treating any specified period of non-contributing service as contributing service, or, under a local Act scheme, by similarly converting service of one category to service of another category, shall be ascertained by converting a higher rate of benefit into years of contributing service or service for the purposes of the relevant local Act scheme in the manner in which fractions of remuneration are converted into years of contributing service under subsection (4) of section 2 of the Act of 1953.

(5) Where the amount of any transfer value payable under the last preceding rule is increased in consequence of the exercise by an authority or body of any power conferred upon them by paragraph (1) of this rule, that authority or body shall repay the amount of the said increase to the superannuation fund out of which the transfer value is payable.

PART III

Transfer from Northern Ireland Health Service to English Local Government

Reckoning of previous service

6.—(1) Subject as hereinafter provided, where after leaving employment in which he was an officer a person becomes or, before the commencement of these rules, became a contributory employee or local Act contributor within the prescribed time limit, then, if the authority maintaining the fund to which he becomes or first became a contributor receive from the Ministry a transfer value calculated in accordance with regulation 45 of the Health Services Regulations, he shall be entitled to reckon all service which in calculating the said transfer value is, or is treated as if it were, contributing service or non-contributing service, in the same manner and to the like extent as if it had been contributing service or non-contributing service within the meaning of the Act of 1937; and he shall also be entitled to reckon for the purpose of determining whether any benefit is payable to or in respect of him as a contributory employee or local Act contributor any service which would have been reckonable for the purpose of determining whether any benefit was payable to or in respect of him under the Health Services Regulations:

Provided that—

(*a*) this rule shall not apply to any person unless within three months after entering his new employment or, if he entered that employment before the commencement of these rules, within six months after that date, he gives notice in writing to the authority maintaining the superannuation fund to which he is, or as the case may be, first became, a contributor that he desires these rules to apply to him, furnishes them with particulars of any national service in which he has been engaged since leaving his former employment and pays to them an amount equal to any sum paid to him by way of return of contributions, other than voluntary contributions, on or after his ceasing to hold his former employment;

(*b*) this rule shall not apply in relation to any person who became a contributory employee or local Act contributor before the commencement of these rules unless he ceased to hold his former employment not earlier than the twenty-fourth day of June, 1948;

(*c*) where at the time when he left the employment in which he was an officer a person was in the course of making payments which were or were deemed to be payments under the Second Schedule to the Health Services Regulations, then, if on giving notice under paragraph (*a*) of this proviso that he desires these rules to apply to him, he pays to the authority maintaining the superannuation fund to which he is a contributor a sum equal to any sum which may have been returned to him in respect of such payments under regulation 18 of the Health Services Regulations on or after leaving the employment in which he was an officer—

(i) he shall be entitled, in continuation of those payments, to make payments, and

(ii) in respect of the service in respect of which the payments were being made, shall enjoy rights and be subject to liabilities,

as if in his previous employment he had been, instead of an officer to whom the Health Services Regulations applied, a contributory employee;

(*d*) where at the time when he left the employment in which he was an officer a person was in the course of making payments in respect of added years he shall be entitled, if, on giving notice under paragraph (*a*) of this proviso that he desires these rules to apply to him, he pays to the authority maintaining the superannuation fund to which he is a contributor in his new employment a sum equal to any sum paid to him by way of return of such payments as aforesaid on or after leaving the employment in which he was an officer, to pay the outstanding payments to that authority in the manner in which they would have been payable if he had remained in his employment as an officer, and in respect of the added years in respect of which those payments are made shall enjoy rights and be subject to liabilities as if those years were added years reckonable in his new employment under regulation 12 of the Benefits Regulations, or, if in his new employment he is subject to a local Act scheme, under such provisions corresponding to the said regulation 12 or to regulation 5 of the Local Government Superannuation (Reckoning of Service on Transfer) Regulations, 1954(**a**), as are contained in that scheme.

(2) Where a person to whom paragraph (1) of this rule applies was in his employment as an officer a person to whom sub-paragraph (*b*) of either paragraph (1) or paragraph (2) of regulation 32 of the Health Services Regulations applied, or a person to whom paragraph (4) or (5) of that regulation applied, and is in his new employment a person to whom regulation 21 or 22 of the Benefits Regulations applies, then, notwithstanding anything contained in paragraph (1) of this rule (but without prejudice to the application to him of that paragraph if he again enters employment by virtue of which he is a contributory employee or local Act contributor after leaving employment as an officer), the Acts of 1937 to 1953 or local Act scheme applicable to him in his new employment shall be modified so as to confer upon him rights corresponding to those conferred by the said sub-paragraph so long as he is such a person—

(*a*) without having had a break in employment of twelve months or more at any one time since leaving employment in which paragraph (1) of this rule last applied to him; and

(*b*) without having entered, since the date on which paragraph (1) of this rule last applied to him, employment in which he was an officer.

Reckoning of national service

7. Where after leaving his former employment and before entering his new employment a person to whom rule 6 of these rules has become applicable had been engaged in national service the period of service which he becomes entitled to reckon under the said rule shall be treated as being increased to the extent (if any) to which the said period of national service would have been reckonable as service for the purposes of the Health Services Regulations, had the person again become an officer on the termination of such national service:

Provided that this rule shall not apply unless the transfer value received from the Ministry under rule 6 of these rules was calculated so as to include the liability of which the Ministry was relieved in respect of the said period of national service.

(**a**) S.I. 1954/1211 (1954 II, p. 1676).

PART IV

Miscellaneous Provisions

Contributions not returnable to a person to whom rule 4 has become applicable

8. Notwithstanding anything in the Act of 1937 or any local Act scheme no payment shall be made thereunder by way of return of contributions, other than voluntary contributions, to any person in relation to whom rule 4 of these rules has become applicable.

Computation of contributions of a person to whom rule 6 applies

9.—(1) Where a person to whom rule 6 of these rules applies ceases to be employed as a contributory employee or local Act contributor, or dies, in circumstances in which under the relevant superannuation provision there is payable to or in respect of him an amount by way of return of contributions (with or without interest) or a benefit which falls to be calculated by reference to any such amount then, for the purpose of the relevant superannuation provision, the amount of his contributions shall be taken to include in respect of service which, by virtue of these rules, has become reckonable as service for the purposes of the Act of 1937 or the relevant local Act scheme an amount equal to the amount which would have been payable by way of return of contributions under the pension scheme applicable to him in his former employment, if, on his ceasing to hold that employment, he had been entitled to receive an amount by way of return of contributions without interest.

(2) Where under the relevant superannuation provision the amount payable by way of return of contributions or by way of benefit is a sum equal to, or which falls to be calculated by reference to, the amount of his contributions with compound interest thereon, compound interest shall also be payable in respect of the amount by which those contributions are increased under the last preceding paragraph, calculated—

(i) as respects the period ending immediately before the day on which he became a contributory employee or local Act contributor, at the rate at which it would have been calculated under the pension scheme applicable to him in his former employment if on leaving that employment he had been entitled to a return of contributions together with compound interest thereon ; and

(ii) as respects the period beginning with the date on which he became a contributory employee or local Act contributor, in accordance with the provisions of section 10 of the Act of 1937 or, as the case may be, the corresponding provisions of the relevant local Act scheme.

(3) Notwithstanding anything in the previous provisions of this rule, the sum by which contributions payable under the relevant superannuation provision are increased under paragraph (1) or (2) of this rule shall not include—

(*a*) any sum in respect of contributions which, on or after the person's ceasing to be employed as an officer were returned to and retained by him ; or

(*b*) any amount in respect of voluntary contributions which, being payments to which paragraph (*c*) or (*d*) of the proviso to paragraph (1) of rule 6 of these rules applied, have not been continued in pursuance of that rule.

Application of section 35 of the Act of 1937

10. The provisions of section 35 of the Act of 1937 shall have effect in relation to a person who becomes a contributory employee in circumstances in which these rules apply as if the reference in the said section to regulations made under that Act included a reference to these rules.

Modification of benefits and obligations in relation to the National Insurance Acts

11. Where any person to whom rule 6 of these rules has become applicable was in his former employment as an officer an insured person within the meaning of the National Insurance Act (Northern Ireland), 1946(a), then—

(*a*) if he was excepted from the operation of any provision (hereinafter called "the modification provision") of the Health Services Regulations modifying the benefits provided by the said regulations in relation to any such insured person as aforesaid, the provisions of any regulations made by the Minister of Health or the Minister of Housing and Local Government under subsection (4) of section 69 of the National Insurance Act, 1946(b), and the provisions of any other regulations or any scheme replacing wholly or in part the provisions of the regulations made under the said subsection (4), shall not apply to him; and

(*b*) if he was not so excepted—

(i) the provisions of any such regulations or scheme as aforesaid applicable to him in his new employment shall apply to him as if any service which he becomes entitled to reckon under rules 6 and 7 of these rules, being service of which account would have been taken under the modification provision for the purpose of reducing any benefit to which the person might have become entitled under the Health Services Regulations had he continued to be subject thereto, were service rendered on or after the fifth day of July, 1948; and

(ii) if the modification provision modified any benefit to which he might have become entitled under the Health Services Regulations by reference to a Table and to his age at a given date the provisions of any such regulations or scheme as aforesaid applicable to him in his new employment shall have effect as if any provision therein modifying superannuation benefits by reference to a Table and the age of a person at a given date applied in his case, except that the reference to his age at that date shall be construed as a reference to his age at the date which was relevant for the purposes of the modification provision:

Provided that paragraph (*b*) (ii) of this rule shall not apply to any person unless the modification provision, or any corresponding provision modifying benefits provided by any pension scheme to which he was formerly subject in employment which was reckonable as service for the purposes of regulations made under subsection (1) of section 61 of the Act of 1948, applied to him on or before the fifth day of July, 1948.

Given under the official seal of the Minister of Housing and Local Government this seventeenth day of December, nineteen hundred and fifty-seven.

(L.S.)

Henry Brooke,
Minister of Housing and Local Government.

(a) 1946 c. 23 (N.I.).

(b) 9 & 10 Geo. 6. c. 67.

EXPLANATORY NOTE

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

These Rules contain provisions with respect to the superannuation rights of persons transferring between pensionable local government employment and employment which is pensionable under regulations made under section 61 (1) of the Health Services Act (Northern Ireland), 1948.

Part I of the Rules contains definitions of terms used in the Rules including a definition of " the prescribed time limit ", which is the time within which movement from one pensionable employment to another must take place if the person concerned is not to lose the right to reckon in the second employment the service which was reckonable when he left the first employment. This limit is usually 12 months (or where the employee, immediately after leaving his first employment became engaged in national service, 6 months after completion of that service) : but in the case of interchange with certain health service employments allowance may be made for time spent on a course of study or training if the local authority or the Ministry of Health and Local Government (Northern Ireland), as the case may be, is satisfied that by reason of having undertaken the course, the person is better fitted for the duties of his new employment.

Part II provides for the payment of transfer values by local authorities to the Ministry of Health and Local Government (Northern Ireland) in respect of persons moving from pensionable local government employment to employment pensionable under the Health Services (Superannuation) Regulations (Northern Ireland) and, on any such movement taking place, enables the local authority concerned to exercise (with a view to increasing the benefits payable to or in respect of the employee on his retirement or death) certain discretionary powers. Exercise of any such discretionary powers will result in an appropriate adjustment in the transfer value payable to the Ministry of Health and Local Government (Northern Ireland).

Part III provides for the reckoning of previous service in the case of a person who enters pensionable local government employment after having been in employment pensionable under the Health Services (Superannuation) Regulations (Northern Ireland).

Part IV contains miscellaneous provisions with respect to the return of contributions, the application of section 35 of the Local Government Superannuation Act, 1937 (which provides for decisions on questions and appeals to the Minister of Housing and Local Government) and the modification of superannuation benefits and contributions in relation to the National Insurance Act, 1946, (as amended).

The Rules are given limited retrospective operation under the authority of and subject to the safeguards required by section 2 (5) of the Superannuation (Miscellaneous Provisions) Act, 1948.