INTERCHANGE RULES

1958 No. 2136

The Superannuation (English Local Government and Northern Ireland) Interchange (Amendment) Rules, 1958

Made - - - -	16*th December*, 1958
Laid before Parliament	22*nd December*, 1958
Coming into Operation	1*st January*, 1959

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:—

1. These rules may be cited as the Superannuation (English Local Government and Northern Ireland) Interchange (Amendment) Rules, 1958, and shall come into operation on the 1st day of January, 1959.

2.—(1) These rules and the Superannuation (English Local Government and Northern Ireland) Interchange Rules, 1952(b), shall be construed as one, and may be cited together as the Superannuation (English Local Government and Northern Ireland) Interchange Rules, 1952 and 1958.

(2) In these rules the expression "the principal rules" means the Superannuation (English Local Government and Northern Ireland) Interchange Rules, 1952.

(3) References in these rules and in the principal rules as amended by 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.

(4) For the purposes of the principal rules as amended by 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(c), is deemed to have been, appointed and references to "employment" shall, in relation to any such person, be construed accordingly.

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

3. References in the principal rules to benefits under the Act of 1937 shall, in relation to a person who is, or is deemed to be a contributory employee, include a reference to benefits under the Local Government Superannuation Act, 1953(e), a local Act, or a scheme made in relation to a local Act.

4. In rule 1 of the principal rules, in paragraph (2) thereof—

(*a*) there shall be inserted the following definitions:—

"'the Act of 1953' means the Local Government Superannuation Act, 1953;

(a) 11 & 12 Geo. 6. c. 33. (b) S.I. 1952/937 (1952 II, p. 2354).
(c) 12, 13 & 14 Geo. 6. c. 101. (d) 52 & 53 Vict. c. 63. (e) 1 & 2 Eliz. 2. c. 25.

'added years' means—

(*a*) in relation to a person who is, or is deemed to be, a contributory employee or local Act contributor, any additional years of service reckonable by him under regulation 12 of 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 a pensionable employee of a Northern Ireland employing authority, any additional years of service of the nature of additional years of service referred to in paragraph (*a*) of this definition which have been granted in, or have otherwise become reckonable in, his employment under the Northern Ireland employing authority;

'the benefits regulations' means the Local Government Superannuation (Benefits) Regulations, 1954(**a**);

'the transfer value regulations' means the Local Government Superannuation (Transfer Value) Regulations, 1954(**b**);

'voluntary contributions' means—

(*a*) in relation to a person who has become a pensionable employee of a Northern Ireland employing authority after leaving employment in which he was or was deemed to be 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 or is deemed to be a contributory employee or local Act contributor after leaving employment in which he was a pensionable employee of a Northern Ireland employing authority,

(a) S.I. 1954/1048 (1954 II, p. 1595). (b) S.I. 1954/1212 (1954 II, p. 1723).

any payments similar in character to any such payments as aforesaid for which provision was made in the pension scheme administered by the Committee or the Corporation, as the case may be ; " ;

(*b*) for the definition of " national service " there shall be substituted the following definition :—

" ' 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(a), 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 ; ".

5. In rule 2 of the principal rules—

(*a*) in paragraph (1) thereof—

(i) the words from " if he notifies the Northern Ireland employing authority " to " he was a contributor consent " shall be omitted ;

(ii) for the words " the Local Government Superannuation (Transfer Value) Regulations, 1939 ", there shall be substituted the words " the transfer value regulations " and after the words " transferred by way of transfer value " there shall be inserted the words " and the like particulars relating to the person's previous pensionable service shall be furnished to the Committee or Corporation, as the case may be, and the person as would have been given to the person if instead of becoming a pensionable employee of a Northern Ireland employing authority he had become a contributory employee " ;

(iii) for proviso (*a*) there shall be substituted the following:—

" (*a*) this rule shall not apply in relation to any person unless within three months after entering his new employment he notifies in writing the authority maintaining the fund to which he is 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 he left his previous employment and pays to them an amount equal to any sum paid to him by way of a return of contributions other than voluntary contributions on or after leaving his previous employment ".

(iv) proviso (*e*) shall be omitted ;

(v) for proviso (*f*) there shall be substituted the following :—

" (*f*) The transfer value payable in respect of a person who has been an established officer or servant within the meaning of the Asylums Officers' Superannuation Act, 1909(b) (hereinafter called 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."

(*b*) in paragraph (2) for the words " the Minister " in both places where they occur there shall be substituted the words " the Minister of Health ".

(a) 14 & 15 Geo. 6. c. 65. (b) 9 Edw. 7. c. 48.

6. For rule 3 of the principal rules there shall be substituted the following rule:—

"3.—(1) Where a person becomes or has become a pensionable employee of a Northern Ireland employing authority after having ceased to be or to be deemed 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 Northern Ireland employing authority 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."

7. In rule 4 of the principal rules—

(*a*) in paragraph (1) thereof—

(i) for the words "a method approved by the Minister" there shall be substituted the words "the transfer value regulations";

(ii) after the words "in the same manner" there shall be inserted the words "and to the like extent";

(iii) in proviso (*a*) for the words "his previous pensionable employment and war service or national service (if any)" there shall be substituted the words "any national service in which he has been

engaged since he left his previous employment" and after the words "by way of a return of contributions" there shall be inserted the words "other than voluntary contributions";

(iv) proviso (*c*) shall be omitted;

(v) proviso (*e*) shall be omitted;

(*b*) paragraph (2) shall be omitted.

8. For rule 5 of the principal rules there shall be substituted the following rule:—

"5.—(1) Where any person to whom the last preceding rule has become applicable was, at the time when he ceased to be employed by the Northern Ireland employing authority, in the course of making payments (other than those to which paragraph (2) of this rule applies) by way of—

(*a*) instalments in discharge of a fixed sum; or

(*b*) contributions of a fraction or percentage of emoluments additional to the percentage payable in respect of current service,

as a condition of being entitled to reckon the service in relation to which those payments were being made as a period of service for the purposes of the pension scheme in which he was entitled to participate or as a condition of increasing the length at which the said service would be reckonable for the purpose of calculating a benefit under the said pension scheme, he shall be entitled, if he pays forthwith 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 on or after ceasing to be employed as a pensionable employee of the Northern Ireland employing authority, to make payments and, 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 a pensionable employee of a Northern Ireland employing authority, a local Act contributor.

(2) Where any person to whom the last preceding rule has become applicable was in the course of making payments in respect of added years, he shall be entitled, if he pays forthwith 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 ceasing to be employed as a pensionable employee of a Northern Ireland employing authority, to pay the outstanding payments in the manner in which they would have been payable if he had remained in his employment as a pensionable employee of a Northern Ireland employing authority 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 in respect of which payments are being made 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."

9. In rule 6 of the principal rules, for the words "this liability" in the proviso there shall be substituted the words "the liability".

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

10. In rule 7 of the principal rules, after the words " by way of a return of contributions " there shall be inserted the words " other than voluntary contributions ".

11. For rule 8 of the principal rules there shall be substituted the following rule:—

" 8.—(1) Where a person to whom rule 4 of these rules applies leaves employment in which he is, or is deemed to be, 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—

(*a*) as respects the period ending immediately before the day on which he became, or was deemed to become, 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

(*b*) as respects the period beginning with the date on which he became, or was deemed to become, 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 provisions are increased under paragraph (1) or (2) of this rule shall not include—

(*a*) any amount in respect of payments made voluntarily for the purpose of securing benefits for a widow, children or other dependants; or

(*b*) any sum in respect of contributions which, on or after the person's ceasing to be employed as a pensionable employee of a Northern Ireland employing authority, were returned to and retained by him; or

(*c*) any amount in respect of voluntary contributions which, being payments to which paragraph (1) or (2) of rule 5 of these rules applied, have not been continued in pursuance of that rule."

12. In rule 9 of the principal rules—

(*a*) in paragraph (*a*) thereof, after the words "the National Insurance Act, 1946," there shall be inserted the words "and the provisions of any other regulations or any scheme replacing wholly or in part the provisions of the first mentioned regulations";

(*b*) in sub-paragraphs (i) and (ii) of paragraph (*b*) thereof, for the words "the said regulations" there shall be substituted the words "any such regulations or scheme as aforesaid applicable to him in his new employment" and in the said sub-paragraph (i) for the words "contributing service or service for the purposes of the local Act scheme, as the case may be," there shall be substituted the word "service".

13. Nothing in the principal rules shall be construed as applying the principal rules as amended by these rules—

(*a*) to a person who before the date of the coming into operation of these rules became a pensionable employee of a Northern Ireland employing authority in circumstances in which rule 2 of the principal rules became applicable to him; or

(*b*) to a person who before the date of the coming into operation of these rules entered employment by virtue of which he became, or was deemed to become, a contributory employee or local Act contributor or employment (not being such employment as aforesaid) by virtue of which he became entitled to participate in any of the benefits of a superannuation fund maintained under a local Act scheme in circumstances in which rule 4 of the principal rules became applicable to him,

and in relation to any such person the principal rules as originally made shall continue to apply as if these rules had not been made:

Provided that nothing in this rule shall preclude the operation of rule 12 of these rules to or in respect of a person who, having entered employment as a contributory employee or local Act contributor retires from that employment, or dies, after the date of the coming into operation of these rules.

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

(L.S.)

Henry Brooke,
Minister of Housing and Local Government.

EXPLANATORY NOTE

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

These Rules amend the Superannuation (English Local Government and Northern Ireland) Interchange Rules, 1952, which provide for interchange of superannuation rights between pensionable local government employment in England and Wales and similar employment in Northern Ireland. The amendments are, in the main, consequential on changes in local government superannuation law. They include, in respect of persons moving from employment in England or Wales to employment in Northern Ireland, provisions as to the payment of transfer values, the giving of notice by the

employee and the exercise by local authorities of certain discretionary powers (Rules 5 and 6). In respect of persons moving from employment in Northern Ireland to employment in England or Wales, the Rules contain provisions with respect to the reckoning of service (Rule 7), the continuation in the new employment of payments which the employee was making with a view to adding to, or enhancing the value of, his reckonable service (Rule 8) and the ascertainment of the amount of contributions, should they become repayable, attributable to his employment in Northern Ireland (Rule 11).

1958 No. 2200 (S. 118)

The Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Amendment Rules, 1958

Made - - - -	18*th December*, 1958
Laid before Parliament	30*th December*, 1958
Coming into Operation	1*st January*, 1959

In exercise of the powers conferred on me by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), and of all other powers enabling me in that behalf, I hereby make the following rules:—

1. These rules may be cited as the Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Amendment Rules, 1958, and shall come into operation on the first day of January, 1959.

2.—(1) These rules and the Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Rules, 1952(**b**), shall be construed as one, and may be cited together as the Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Rules, 1952 and 1958.

(2) In these rules the expression "the principal rules" means the Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Rules, 1952.

(3) References in these rules and in the principal rules as amended by 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.

(4) The Interpretation Act, 1889(**c**), shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

3. References in the principal rules to benefits under the Act of 1937 shall, in relation to a person who is, or is deemed to be, a contributory employee, include a reference to benefits under the Local Government Superannuation Act, 1953(**d**), a local Act, or a scheme made in relation to a local Act.

4. In rule 1 of the principal rules, in paragraph (2) thereof, there shall be inserted the following definitions:—

"'the Act of 1953' means the Local Government Superannuation Act, 1953;

(**a**) 11 & 12 Geo. 6. c. 33.
(**b**) S.I. 1952/1168 (1952 II, p. 2368).
(**c**) 52 & 53 Vict. c. 63.
(**d**) 1 & 2 Eliz. 2. c. 25.