STATUTORY INSTRUMENTS

1971 No. 1031 (S. 131)

PENSIONS

The Superannuation (Local Government and Approved Employment) Interchange (Scotland) Amendment Rules 1971

Made - - -	*17th June* 1971
Laid before Parliament	*29th June* 1971
Coming into Operation	*1st July* 1971

In exercise of the powers conferred on me by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(**a**), as amended by section 11(6) of the Superannuation (Miscellaneous Provisions) Act 1967(**b**), and of all other powers enabling me in that behalf, I hereby make the following rules :—

Title and commencement

1. These rules may be cited as the Superannuation (Local Government and Approved Employment) Interchange (Scotland) Amendment Rules 1971, and shall come into operation on 1st July 1971.

Interpretation

2.—(1) In these rules "the principal rules" means the Superannuation (Local Government and Approved Employment) Interchange (Scotland) Rules 1970(**c**) ; and words and expressions to which meanings are assigned by the principal rules shall bear the same respective meanings in these rules.

(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.

Amendment of principal rules

3.—(1) The principal rules shall be amended as provided in this rule.

(2) In paragraph (1) of rule 2 (interpretation) after the definition of "pension scheme trustees" there shall be inserted—

" "police employment" means employment in which a person is subject to the police pensions regulations ;

"police pensions regulations" means the regulations from time to time in force under the Police Pensions Act 1948(**e**) ;".

(**a**) 1948 c. 33. (**b**) 1967 c. 28.
(**c**) S.I. 1970/1853 (1970 III, p. 6033). (**d**) 1889 c. 63.
(**e**) 1948 c. 24.

(3) At the end of paragraph (2) of rule 2 there shall be inserted the following paragraph :—

"(2A) For the purposes of these rules—

(*a*) references to a police authority shall be construed in the same manner as in the police pensions regulations ;

(*b*) a person in police employment shall be deemed to be in the employment of his police authority ; and

(*c*) a police authority shall be deemed to be pension scheme trustees.".

(4) Schedule 2 ('Fractional' Pension Schemes) shall be amended by adding to the table, beneath the appropriate headings as repeated herein, the following entry :—

Approved body	*Approved pension scheme*	*Prescribed date for rule 5*	*Prescribed date for rule 9*	*Adjustment of service*
(1)	(2)	(3)	(4)	(5)
"Police Authority	The scheme embodied in the police pensions regulations	4th February 1948	4th February 1948	Add 33⅓%"

(5) In paragraph 5 of schedule 2 (Computation of transfer value), at the beginning there shall be inserted the words "(1) Except as sub-paragraph (2) below provides", and at the end there shall be added the following sub-paragraph :—

"(2) The transfer value receivable under these rules in respect of a person who leaves police employment shall be such transfer value as is payable in respect of him under the police pensions regulations ; and any such transfer value which has not been reduced by reason of the provisions for flat-rate retirement pension in the National Insurance Act 1965(**a**) shall be treated as unreduced for the purposes of rule 14.".

(6) After paragraph 6 of schedule 2 there shall be added the following paragraph :—

"Police employment : returned contributions

7. In relation to a person leaving police employment, rule 10(*a*)(iii) shall have effect as if it provided as follows :—

"(iii) pay to the fund authority an amount equal to any award paid to him by way of return of contributions or gratuity on or after leaving that employment ; but where under the police pensions regulations he had paid pension contributions at a rate related to 6·25% of his pensionable pay, or had paid additional contributions, within the meaning of those regulations, the payment shall be of an amount equal to so much of the award as would have been payable had he paid such pension contributions at a rate related to 5% of his pensionable pay and had not paid such additional contributions, and".".

(**a**) 1965 c. 51.

Adjustment of certain references to dates

4. In relation to any person who becomes eligible, subject to compliance with conditions, for the application of Part II or III of the principal rules by virtue of rule 3 above, the principal rules shall have effect as if—

(*a*) any references therein to 1st January 1970 were references to 1st July 1970 and

(*b*) any references therein, however expressed, to 1st January 1971 were references to 1st July 1971.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
17th June 1971.

EXPLANATORY NOTE

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

These Rules amend the Superannuation (Local Government and Approved Employment) Interchange (Scotland) Rules 1970 so as to provide for the interchange of superannuation rights where a person transfers from employment in local government in Scotland to service as a policeman and vice versa.

The Rules can have retrospective effect to a limited extent under the express powers of, and subject to the safeguards required by, section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948.