1970 No. 392 (S.21)

PENSIONS

The Superannuation (Local Government and Other Employments) Interchange (Scotland) Rules 1970

Made - - - -	*6th March* 1970
Laid before Parliament	*23rd March* 1970
Coming into Operation	*1st April* 1970

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 Other Employments) Interchange (Scotland) Rules 1970 and shall come into operation on 1st April 1970.

Interpretation

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

Amendment of Interchange Rules

3. The rules specified in column (1) of the schedule to these rules shall be amended by adding thereto in each case the following three rules (which shall be numbered as specified in column (2) thereof), namely:—

"*Extension of time*

(1) Notwithstanding any other provision of these rules, the authorities may at any time, on the application of a person who desires these rules to apply to him, agree to extend any of the following periods mentioned in these rules, namely—

(*a*) a period of 12 months after the person ceased to be employed in employment of a class to which these rules apply;

(*b*) a period of 6 months after any period of national service; or

(*c*) a period of 3 months within which the person must notify in writing that he desires these rules to apply to him.

(a) 1948 c. 33. **(b)** 1967 c. 28.

(c) 1889 c. 63.

(2) Notwithstanding any other provision of these rules, an authority to whom a person must furnish particulars of service or pay an amount equal to any sum paid to him by way of return of contributions may at any time, on the application of that person, extend the period within which he must take such action.

(3) Where a period is extended pursuant to paragraph (1)(*a*) of this rule in respect of a person who—

(*a*) ceased to be in local government employment before 1st April 1969 and

(*b*) entered the employment of the other authority before 1st April 1970,

then, notwithstanding any other provision of these rules, the transfer value payable by the authority maintaining the fund to which he was a contributor shall be calculated by reference to his age on 1st April 1970.

(4) Where a period is extended pursuant to paragraph (1)(*a*) of this rule in respect of a person who—

(*a*) has ceased to be in local government employment and

(*b*) entered the employment of the other authority on or after 1st April 1970,

then, notwithstanding any other provision of these rules, the transfer value payable by the authority maintaining the fund to which he was a contributor shall be calculated by reference to his age on entering the employment of the other authority.

Interest on returned contributions

(1) Where a period is extended pursuant to paragraph (1)(*a*) of the last preceding rule in respect of a person who has ceased to be in local government employment, that person may be required by the authority maintaining the fund to which he was a contributor to make a payment by way of compound interest on any sum paid to him by way of return of contributions, other than voluntary contributions, on or after ceasing to be in that employment at a rate of 3% per annum with half-yearly rests for a period beginning either with the date 12 months after the date on which he left that employment or, where this is later, with the date on which he received such sum, and ending with the date on which he notified in writing that he desired these rules to apply to him.

(2) The interest payable under this rule shall not exceed a sum equal to one-half of the difference between the transfer value payable by virtue of paragraph (3) or (4) of the last preceding rule, as may be applicable, and the transfer value which would be payable if calculated by reference to the person's age on ceasing to be in that employment.

(3) A person required to pay interest under this rule shall pay it to the authority whose employment he has entered, together with any amount he may be required to pay in respect of returned contributions; and the authority maintaining the superannuation fund to which he was a contributor before leaving local government employment shall reduce the transfer value payable by them by a corresponding amount.

Termination of entitlement

Notwithstanding anything in the Act of 1937 or any local Act scheme, when these rules become applicable to a person who has ceased to be in employment in which he was a contributory employee or local Act contributor, he

shall cease to be entitled to any payment out of the superannuation fund to which he contributed while in that employment in respect of any service of which account was taken in calculating the transfer value payable under these rules out of that fund, other than a payment by way of return of voluntary contributions.".

The Superannuation (Local Government and Isle of Man) Interchange (Scotland) Rules 1951

4. The Superannuation (Local Government and Isle of Man) Interchange (Scotland) Rules 1951**(a)** shall be further amended as follows:—

(*a*) after rule 1(2) (which relates to interpretation) there shall be inserted the following paragraph:—

"(**2A**) In rules 12 and 13 of these rules "the authorities" means an Isle of Man authority and the authority maintaining the superannuation fund to which a person is or first became a contributor or, as the case may be, was a contributor; and "authority" means one of the authorities.";

(*b*) in the proviso to rule 2(1) (which in relation to transfers from local government employment to the employment of an Isle of Man authority provides that the rules may apply to a person who inter alia has not become entitled to any benefit), before the words "any benefit under the Act of 1937", there shall be inserted the words "and received payment of";

(*c*) at the end of proviso (*a*) to rule 4(1) (which relates to transfers from the employment of an Isle of Man authority to local government employment and provides that the rules may apply to a person who inter alia pays certain sums), there shall be added the words "together with any interest which he may be required to pay";

(*d*) rule 7 (which terminates the right to a return of contributions where rule 2 has become applicable) shall cease to have effect.

The Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Rules 1952 *and* 1958

5. The Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Rules 1952**(b)** as amended**(c)** shall be further amended as follows:—

(*a*) after rule 1(2) (which relates to interpretation) there shall be inserted the following paragraph:—

"(**2A**) In rules 12 and 13 of these rules "the authorities" means the Committee or the Corporation, as the case may be, and the authority maintaining the superannuation fund to which a person is or first became a contributor or, as the case may be, was a contributor; and "authority" means one of the authorities.";

(*b*) in the proviso to rule 2(1) (which in relation to transfers from local government employment to the employment of a Northern Ireland employing authority provides that the rules may apply to a person who inter alia has not become entitled to any benefit), before the words "any benefit under the Act of 1937", there shall be inserted the words "and received payment of";

(a) S.I. 1951/1995 (1951 II, p. 156). **(b)** S.I. 1952/1168 (1952 II, p. 2368).
(c) S.I. 1958/2200 (1958 II, p. 1829).

(*c*) at the end of proviso (*a*) to rule 4(1) (which relates to transfers from the employment of a Northern Ireland employing authority to local government employment and provides that the rules may apply to a person who inter alia pays certain sums), there shall be added the words "together with any interest which he may be required to pay";

(*d*) rule 7 (which terminates the right to a return of contributions where rule 2 has become applicable) shall cease to have effect;

(*e*) at the end thereof there shall be added the following rule:—

"*Calculation of transfer value following extension of time*

15. Where an extension of time is granted pursuant to rule 12(1)(*a*) of these rules in respect of a person who enters local government employment, any provision of these rules requiring payment of a transfer value calculated in accordance with the transfer value regulations shall be read as requiring payment of a transfer value calculated as if the person were ceasing to be in local government employment and entering the employment of the other authority under these rules.".

The Superannuation (Local Government and National Health Service) Interchange (Scotland) Rules 1955

6. The Superannuation (Local Government and National Health Service) Interchange (Scotland) Rules 1955**(a)** shall be further amended as follows:—

(*a*) after rule 2(1) (which relates to interpretation) there shall be inserted the following paragraph:—

"**(1A)** In rules 16 and 17 of these rules "the authorities" means the Secretary of State and the authority maintaining the superannuation fund to which a person is or first became a contributor or, as the case may be, was a contributor; and "authority" means one of the authorities.";

(*b*) rule 3(2), (3) and (4) (which contain provisions for the extension of periods of time) shall cease to have effect;

(*c*) in rule 4 (which relates to transfers from local government employment to employment in the National Health Service and provides that the rules may apply to a person who inter alia has not become entitled to any benefit)—

(i) in paragraph (1) after the words "and has not become entitled to" there shall be inserted the words "and received payment of";

and

(ii) paragraph (6) shall cease to have effect;

(*d*) rule 12 (which terminates the right to a return of contributions where rule 4 has become applicable) shall cease to have effect.

The Superannuation (Local Government and Northern Ireland Civil Service) Interchange (Scotland) Rules 1957

7. The Superannuation (Local Government and Northern Ireland Civil Service) Interchange (Scotland) Rules 1957**(b)** shall be further amended as follows:—

(*a*) after rule 2(1) (which relates to interpretation) there shall be inserted the following paragraph:—

(a) S.I. 1955/1479 (1955 II, p. 1770). **(b)** S.I. 1957/1122 (1957 II, p. 1795).

"(1A) In rules 13 and 14 of these rules "the authorities" means the Ministry of Finance and the authority maintaining the superannuation fund to which a person is or first became a contributor or, as the case may be, was a contributor; and "authority" means one of the authorities.";

(*b*) in rule 3(1) (which relates to transfers from local government employment to the Civil Service of Northern Ireland and provides that the rules may apply to a person who inter alia has not become entitled to any benefit)—

(i) in sub-paragraph (*b*) the words from "but owing to causes" to the words "twelve months", and in sub-paragraph (*d*) the words from "but owing to causes" to the end of the sub-paragraph, shall cease to have effect; and

(ii) in proviso (iii), for the words "who became entitled on ceasing to hold his former employment to any benefit", there shall be substituted the words "who on leaving his former employment became entitled to and received payment of any benefit";

(*c*) in rule 5 (which relates to transfers from the Civil Service of Northern Ireland to local government employment and provides that the rule may apply to a person who inter alia has not been granted a pension), for the words "having been granted", there shall be substituted the words "being granted and receiving payment of";

(*d*) rule 6 (which contains provisions with respect to breaks in service) and rule 9 (which terminates the right to a return of contributions where rule 3 has become applicable) shall cease to have effect;

(*e*) at the end thereof there shall be added the following rule:—

"*Calculation of transfer value following extension of time*

16. Where an extension of time is granted pursuant to rule 13(1)(*a*) of these rules in respect of a person who enters local government employment, any provision of these rules requiring payment of a transfer value calculated in accordance with the transfer value regulations shall be read as requiring payment of a transfer value calculated as if the person were ceasing to be in local government employment and entering the employment of the other authority under these rules.".

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

8. The Superannuation (Local Government and Northern Ireland Health Service) Interchange (Scotland) Rules 1957(a) shall be further amended as follows:—

(*a*) after rule 2(1) (which relates to interpretation) there shall be inserted the following paragraph:—

"(1A) In rules 15 and 16 of these rules "the authorities" means the Ministry and the authority maintaining the superannuation fund to which a person is or first became a contributor or, as the case may be, was a contributor; and "authority" means one of the authorities.";

(*b*) rule 3(2), (3) and (4) (which contain provisions for the extension of periods of time) shall cease to have effect;

(a) S.I. 1957/2173 (1957 II, p. 1804).

(*c*) in rule 4 (which relates to transfers from local government employment to employment in the Northern Ireland Health Service and provides that the rules may apply to a person who inter alia has not become entitled to any benefit)—

(i) in paragraph (1) before the words "any benefit under the Acts of 1937 to 1953", there shall be inserted the words "and received payment of"; and

(ii) paragraph 5 shall cease to have effect;

(*d*) at the end of sub-paragraph (*c*) of rule 6(2) (which relates to transfers from employment in the Northern Ireland Health Service to local government employment and provides that the rules may apply to a person who inter alia pays certain sums), there shall be added the words "together with any interest which he may be required to pay";

(*e*) rule 11 (which terminates the right to a return of contributions where rule 4 has become applicable) shall cease to have effect.

The Superannuation (Local Government, Social Workers and Health Education Staff) Interchange (Scotland) Rules 1959

9. The Superannuation (Local Government, Social Workers and Health Education Staff) Interchange (Scotland) Rules 1959**(a)** shall be further amended as follows:—

(*a*) in rule 2(1) (which relates to interpretation) in the definitions of "the appropriate Committee" and "health education employment" for the words "the Central Council for Health Education Staff Pension Fund", there shall be substituted the words "the Health Education Council (Central Council for Health Education Staff Optants) Pension Fund";

(*b*) after rule 2(1) there shall be inserted the following paragraph:—

"**(1A)** In rules 13 and 14 of these rules "the authorities" means the appropriate Committee and the authority maintaining the superannuation fund to which a person is or first became a contributor or, as the case may be, was a contributor; and "authority" means one of the authorities.";

(*c*) rule 3(2) and (3) (which contain provisions for the extension of periods of time) shall cease to have effect;

(*d*) in rule 4(1) (which relates to transfers from local government employment to social welfare or health education employment and provides that the rules may apply to a person who inter alia has not become entitled to any benefit), before the words "any benefit under the Acts of 1937 to 1953", there shall be inserted the words "and received payment of";

(*e*) in rule 4, the proviso to sub-paragraph (*c*) of paragraph (2) (which provides for extension of time) and paragraph (5) (which relates to transfer values) shall cease to have effect;

(*f*) in rule 7(1) (which relates to transfers from social welfare or health education employment to local government employment and provides that the rules may apply to a person who inter alia has not been granted a pension)—

(i) for the words "having been granted", there shall be substituted the words "being granted and receiving payment of"; and

(a) S.I. 1959/1916 (1959 II, p. 2024).

(ii) for the words "the Central Council for Health Education Staff Pension Fund" where they twice appear, there shall be substituted the words "the Health Education Council (Central Council for Health Education Staff Optants) Pension Fund".

(*g*) rule 8 (which terminates the right to a return of contributions where rule 4 has become applicable) shall cease to have effect.

The Superannuation (Local Government and Public Transport Services) Interchange (Scotland) Rules 1967

10. The Superannuation (Local Government and Public Transport Services) Interchange (Scotland) Rules 1967**(a)** shall be further amended as follows:—

(*a*) after rule 2(1) (which relates to interpretation) there shall be inserted the following paragraph:—

"**(1A)** In rules 13 and 14 of these rules "the authorities" means the transport authority and the authority maintaining the superannuation fund to which a person is or first became a contributor or, as the case may be, was a contributor; and "authority" means one of the authorities.";

(*b*) in rule 3, proviso (iii) (which provides for the extension of periods of time) shall cease to have effect;

(*c*) in rule 4 (which relates to transfers from local government employment to transport employment and provides that the rules may apply to a person who inter alia has not become entitled to any benefit)—

(i) in paragraph (1), before the words "any benefit under the Acts of 1937 to 1953", there shall be inserted the words "and received payment of";

(ii) in paragraph (2), the words from "or within such longer period" to the word "allow", shall cease to have effect; and

(iii) paragraph (5) shall cease to have effect;

(*d*) in rule 6(1) (which relates to transfers from transport employment to local government employment and provides that the rules may apply to a person who inter alia has not been granted a pension)—

(i) for the words "having been granted", there shall be substituted the words "being granted and receiving payment of"; and

(ii) in proviso (i), the words from "or within such longer period" to the word "allow" shall cease to have effect;

(*e*) rule 8 (which terminates the right to a return of contributions where rule 4 has become applicable) shall cease to have effect.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

6th March 1970.

(a) S.I. 1967/1516 (1967 III, p. 4234).

Rule 3

SCHEDULE

NUMBERING OF NEW RULES

(1)	(2)		
	Number of new rule		
Title of rules	Extension of time	Interest on returned contributions	Termination of entitlement
The Superannuation (Local Government and Isle of Man) Interchange (Scotland) Rules 1951	12	13	14
The Superannuation (Local Government and Northern Ireland) Interchange (Scotland) Rules 1952	12	13	14
The Superannuation (Local Government and National Health Service) Interchange (Scotland) Rules 1955 ...	16	17	18
The Superannuation (Local Government and Northern Ireland Civil Service) Interchange (Scotland) Rules 1957 ...	13	14	15
The Superannuation (Local Government and Northern Ireland Health Service) Interchange (Scotland) Rules 1957 ...	15	16	17
The Superannuation (Local Government, Social Workers and Health Education Staff) Interchange (Scotland) Rules 1959	13	14	15
The Superannuation (Local Government and Public Transport Services) Interchange (Scotland) Rules 1967 ...	13	14	15

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules add three new, identical, provisions to each of seven sets of rules which relate to the superannuation rights of persons transferring in either direction between employment in Scottish local government and other pensionable employment—namely, employment under certain public authorities in (1) the Isle of Man, and (2) Northern Ireland, and employment in (3) the National Health Service, (4) the Northern Ireland Civil Service, (5) the Northern Ireland Health Service, (6) Social Welfare and Health Education and (7) Public Transport.

The new provisions—

(i) give the old and the new pensions fund authorities discretion to extend the permissible length of any break between employments and the time limit for compliance with various conditions;

(ii) provide, where such a break has been extended, for the payment of interest by a person who holds superannuation contributions returned on leaving local government employment;

(iii) terminate any right to any payment out of a local government superannuation fund when the rules have been applied to a person (in substance replacing an existing provision the terms of which have given rise to doubts).

They are given 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.

The seven sets of rules are then further amended individually as follows:—

(*a*) a definition is added as a link with the new provisions;

(*b*) existing (more limited) provisions relating to the subject matter of the new provisions are revoked, and some minor consequential amendments are made;

(*c*) an unrelated amendment extends the scope of the rules to include persons who have become entitled to a pension in respect of their old employment but have not started to receive payment.

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