STATUTORY INSTRUMENTS

1961 No. 1156 (S. 66)

PENSIONS

INTERCHANGE RULES

The Superannuation (Local Government and Overseas Employment) Interchange (Scotland) Amendment Rules, 1961

Made - - - -	19*th June*, 1961
Laid before Parliament	28*th June*, 1961
Coming into Operation	29*th June*, 1961

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

Citation and Commencement

1.—(1) These rules may be cited as the Superannuation (Local Government and Overseas Employment) Interchange (Scotland) Amendment Rules, 1961, and shall come into operation on the 29th day of June, 1961.

(2) These rules and the Superannuation (Local Government and Overseas Employment) Interchange (Scotland) Rules, 1958(**b**) (in these rules referred to as "the principal rules") shall be construed as one and may be cited together as the Superannuation (Local Government and Overseas Employment) Interchange (Scotland) Rules, 1958 and 1961.

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

Persons Formerly Subject to the Superannuation (Local Government and Colonial Service) (Scotland) Interchange Rules, 1949(**d**)

2.—(1) Notwithstanding anything in the principal rules, where a person to whom those rules apply and who, immediately prior to the coming into operation of those rules, was in employment in which the Superannuation (Local Government and Colonial Service) (Scotland) Interchange Rules, 1949, applied to him—

(*a*) ceases to hold that or any other overseas employment in which the principal rules have continued to apply to him; and

(*b*) thereupon becomes entitled to a pension, other than a return of contributions, under the pension scheme applicable to him in the employment which he has ceased to hold, but does not become entitled then or at any greater age to any benefit under the principal rules,

he shall be entitled, subject to the provisions of this rule, as from the date on which he ceased to be employed, to receive, from the local authority maintaining the superannuation fund to which he was formerly a contributor, the like reduced benefits as he could have elected to receive under paragraph (6) of rule 5 of the principal rules if that paragraph had applied

(**a**) 11 & 12 Geo. 6. c. 33. (**b**) S.I. 1958/1402 (1958 II, p. 1857).
(**c**) 52 & 53 Vict. c. 63. (**d**) S.I. 1949/1988 (1949 I, p. 3065).

to him and the principal rules shall apply in relation to a benefit payable under this paragraph as they apply in relation to a benefit payable under paragraph (1) of the said rule 5:

Provided that if the person ceases to hold the overseas employment at an age earlier than forty-five years the benefits shall be reduced in accordance with tables prepared from time to time by the Government Actuary.

(2) In the third line of paragraph (4) of rule 5 of the principal rules (which relates to benefits payable on death) there shall be added after the word "rule" the words "or under paragraph (1) of rule 2 of the Superannuation (Local Government and Overseas Employment) Interchange (Scotland) Amendment Rules, 1961" and in paragraph (6) of that rule after the words "such reduction" there shall be inserted the words "or reduction required to be made under paragraph (1) of rule 2 of the Superannuation (Local Government and Overseas Employment) Interchange (Scotland) Amendment Rules, 1961".

(3) The provisions of paragraphs (1) and (2) of this rule shall apply to or in respect of a person who has ceased to hold an overseas employment before the date of operation of these rules, but who would otherwise have been entitled to a benefit under the said paragraph (1).

(4) The provisions of this rule shall not apply to any person unless—

(*a*) the person, and the local authority maintaining the superannuation fund referred to in paragraph (1) of this rule, consent; and

(*b*) the person repays to that fund any superannuation contributions, other than voluntary contributions, returned to him.

Dated this 19th day of June, nineteen hundred and sixty-one.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

These rules relate to persons whose pension rights are governed by the Superannuation (Local Government and Overseas Employment) Interchange (Scotland) Rules, 1958, and were previously governed by the Superannuation (Local Government and Colonial Service) (Scotland) Interchange Rules, 1949. Under the latter rules, which were revoked by the 1958 rules, the person could have become entitled to receive a benefit in respect of his previous local government service if he retired on pension from the overseas employment, no matter what was the age of his retirement or the reason for it.

These rules restore that right to the persons affected, subject to the safeguards as to retrospective operation required by subsection (5) of section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948, namely, that the person and the local authority affected in any particular case consent to the application of the rules.