1958 No. 1402 (S. 63)

The Superannuation (Local Government and Overseas Employment) Interchange (Scotland) Rules, 1958

Made - - - -	19*th August*, 1958
Laid before Parliament	27*th August*, 1958
Coming into Operation	2*nd September*, 1958

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:—

Citation and commencement

1. These rules may be cited as the Superannuation (Local Government and Overseas Employment) Interchange (Scotland) Rules, 1958, and shall come into operation on the second day of September, 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 1937" means the Local Government Superannuation (Scotland) Act, 1937(b);

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

"added years" means any additional years of service reckonable by a contributory employee or local Act contributor under regulation 12 of the benefits regulations or any corresponding provision of a local Act scheme, 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;

"the benefits regulations" means the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954(d);

"contributory employee" has the same meaning as in the Act of 1937 and includes a person deemed by virtue of any enactment 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;

"enactment" includes an enactment contained in an order, regulation, rule, scheme or other instrument having effect by virtue of an Act;

"injury allowance" means an injury allowance as defined in regulation 2 of the benefits regulations or a similar allowance (however named) payable under the provisions of a scheme made under the Act of 1937 or the Act of 1953 or under the provisions of a local Act or local Act scheme;

(a) 11 & 12 Geo. 6. c. 33.
(b) 1 Edw. 8 & 1 Geo. 6. c. 69.
(c) 1 & 2 Eliz. 2. c. 25.
(d) S.I. 1954/1059 (1954 II, p. 1632).

"local Act contributor" has the same meaning as in the Act of 1937 and includes a person deemed by virtue of any enactment 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;

"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 the person, with the consent of the authority or body by whom he was employed before undertaking that service, continues in similar service;

"overseas employment", in relation to any person, means employment in the service of—

(*a*) the central or local government of a country within the Commonwealth (other than a country within the United Kingdom) or of a foreign country (including a government constituted for two or more such countries) or any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more such countries; or

(*b*) a university or college in a country within the Commonwealth (save as aforesaid) or in a foreign country, or a public institution or organisation in any such country engaged in the health, welfare, research or educational services; or

(*c*) the United Nations Organisation or its specialised agencies or any other inter-governmental organisation to which Her Majesty's Government may be party,

being employment which is either pensionable employment or employment undertaken with the approval of the authority maintaining the superannuation fund to which he last contributed as a contributory employee or local Act contributor;

"retirement pension" means a retirement pension as defined in regulation 2 of the benefits regulations or a similar benefit (however named) payable under the provisions of a scheme made under the Act of 1937 or the Act of 1953 or under the provisions of a local Act or local Act scheme;

"the rules of 1949" means the Superannuation (Local Government and Colonial Service) (Scotland) Interchange Rules, 1949(b);

"the rules of 1952" means the Superannuation (Local Government, Commonwealth and Foreign Service) Interchange (Scotland) Rules, 1952(c);

"voluntary contributions", in relation to any person, means 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;

(a) 14 & 15 Geo. 6. c. 65. (b) S.I. 1949/1988 (1949 I, p. 3065).
(c) S.I. 1952/433 (1952 II, p. 2383).

(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;

"war service" means war service within the meaning of the Local Government Staffs (War Service) Act, 1939(a), but does not include, in the case of a person who before the termination of his war service made a claim under section 10 of the Act of 1937 or any corresponding provision of a local Act scheme for the return of contributions made by him for superannuation purposes, any part of his war service after the date on which the claim was made.

(2) References in these rules to the provisions of any enactment shall, unless the context otherwise requires, be construed as references to those provisions as amended, extended, applied or re-enacted by any subsequent enactment; and accordingly (without prejudice to the generality of the foregoing provisions of this paragraph) references to the Act of 1937 shall be construed as including, unless the context otherwise requires, a reference to the Act of 1953.

(3) The Interpretation Act, 1889(b), shall apply to the interpretation of these rules as though these rules and the rules hereby revoked were Acts of Parliament.

Revocation and transitional provisions

3.—(1) The rules of 1949 and the rules of 1952 are hereby revoked, but without prejudice to any superannuation allowance or other benefit to which any person has become entitled thereunder or would have been entitled had he attained the greater age mentioned in paragraph (5) of rule 2 of the rules of 1952 or to any surrender made under either of the said rules of part of a superannuation allowance.

(2) Where before the date of the coming into operation of these rules a person was in employment in which the rules of 1949 or the rules of 1952 applied to him and—

(*a*) on the date of the coming into operation of these rules is in that employment; or

(*b*) having left that employment before the date of the coming into operation of these rules enters overseas employment after the date of the coming into operation of these rules and within twelve months of leaving the employment in which the rules of 1949 or the rules of 1952 applied to him,

these rules (except so much of the proviso to rule 6 as relates to the enjoyment of rights under section 6 and 26 of the Act of 1937) shall apply in relation to him as if any notice or consent given or other thing done by or in relation to him under the rules of 1949 or the rules of 1952 had been given or done under the corresponding provisions of these rules and any period of employment, war service or national service which was reckonable by him for the purposes of the rules of 1949 or the rules of 1952 shall (notwithstanding anything contained in paragraph (5) of rule 5 of these rules) be reckonable in the like manner and to the like extent for the purposes of these rules.

(a) 2 & 3 Geo. 6. c. 94. (b) 52 & 53 Vict. c. 63.

(3) Where before the date of the coming into operation of these rules a person entered employment which was approved employment for the purposes of the rules of 1952 within a period of twelve months after ceasing to be employed in employment in which he was subject to the rules of 1949 and is on the date of the coming into operation of these rules in the former employment, such person may within six months after that date elect by notice in writing given to the local authority maintaining the superannuation fund to which he was formerly a contributor that these rules shall apply to him and, if that local authority consent, these rules shall apply in relation to him in like manner as if he had entered overseas employment in the circumstances mentioned in paragraph (2) of this rule.

(4) Where before the date of the coming into operation of these rules a person has entered overseas employment within a period of twelve months after ceasing to be employed in employment by virtue of which he was a contributory employee or local Act contributor and had elected, or could at that date have elected, that the rules of 1949 or the rules of 1952 should apply to him but such election had not then become effective, these rules shall apply to that person as if he had entered overseas employment within such period as aforesaid but immediately after the date of the coming into operation of these rules.

Rights in respect of entry into overseas employment

4.—(1) Subject as hereinafter provided, this rule shall apply to a person who enters overseas employment and who is a person who falls under any one of the following classes:—

(*a*) persons who, within a period of twelve months prior to such entry, have been in employment by virtue of which they were contributory employees or local Act contributors;

(*b*) persons who, within a period of six months prior to such entry, have been engaged in national service immediately after leaving such employment as is specified in sub-paragraph (*a*) of this paragraph:

Provided that he shall not have become entitled to any benefit under the Act of 1937, or, as the case may be, under any local Act scheme, other than a return of contributions.

(2) Subject to the provisions of the next following paragraph any person who satisfies the requirements of the last foregoing paragraph may elect, by notice in writing given to the authority maintaining the superannuation fund to which he was formerly a contributor, that these rules shall apply to him.

(3) Any election made by virtue of the last foregoing paragraph by a person who satisfies the requirements of paragraph (1) of this rule shall be made by that person within six months after the date of his entry into the overseas employment referred to in the last-mentioned paragraph and any sum received by that person by way of a return of contributions, other than voluntary contributions, shall forthwith be repaid by him to that authority.

(4) Notwithstanding anything in the foregoing provisions of this rule—

(*a*) these rules shall not apply to any person who, having ceased to hold, before the date of the coming into operation of these rules, employment by virtue of which he was a contributory employee or local Act contributor, first enters overseas employment after that date unless the local authority to whose fund he was last a contributor consent; and

(*b*) the reference in the foregoing provisions of this rule to a period of twelve months prior to a person entering overseas employment 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 prior to such entry or such longer period as the Secretary of State may in any particular case allow.

5.—(1) Where a person to whom these rules have become applicable ceases to hold the overseas employment referred to in paragraph (1) of rule 4 of these rules or any other overseas employment in such circumstances, including that of his age and the length of his service including the period of overseas employment, as had they obtained when he ceased to hold his former employment would have entitled him to any benefit (other than an injury allowance) under the Act of 1937 or any local Act scheme, he shall be entitled, as from the date on which he ceases to hold the overseas employment, to receive that benefit out of the superannuation fund associated with his former employment, calculated as if he had become entitled thereto at the date on which he ceased to hold his former employment.

(2) Where a person to whom these rules have become applicable ceases to hold the overseas employment referred to in paragraph (1) of rule 4 of these rules or any other overseas employment and he has attained the age of sixty years, or any lesser age at which under the conditions of service applicable to him in the overseas employment he is required by reason of age to retire from that employment, but by reason of his not having attained some greater age and served for a correspondingly longer period he does not qualify for a benefit under the provisions of paragraph (1) of this rule, he shall be entitled on attaining such greater age to receive the like benefits he would have received under the said paragraph (1) if he had attained that age at the date on which he ceased to hold the overseas employment and had held that employment for a correspondingly longer period.

(3) Where a person to whom these rules have become applicable dies while in any such overseas employment as aforesaid, or within twelve months after leaving any such overseas employment as aforesaid, or if he is a person to whom paragraph (2) of this rule applies and he dies before attaining such greater age as is therein mentioned, there shall be paid in respect of him out of the appropriate superannuation fund the like benefits (if any), except any benefit for which the requisite voluntary contributions have not been maintained during the period of overseas employment, as would have been paid if he had died immediately before ceasing to hold his former employment and, for the purpose of determining whether any benefit might have become payable to or in respect of him under the Act of 1937 or any local Act scheme, there had been reckonable, in addition to any service reckonable under the said Act or scheme, a period of service equal in length to the period of the overseas employment and, if he was a person to whom the said paragraph (2) applied, the period between the date of his ceasing to hold that employment and the date of his death.

(4) Where a person to whom these rules have become applicable dies after having become entitled to a benefit under either paragraph (1) or (2) of this rule, there shall be paid in respect of him out of the appropriate superannuation fund the like benefits (if any), except any benefit for which the requisite voluntary contributions have not been maintained during the period of overseas employment, as would have been paid if he had become entitled to the said benefit under the said Act or scheme.

(5) A person shall not enjoy rights under these rules if there has been at any time a continuous period of twelve months or longer during no part of which he was in overseas employment and, where he has ceased to hold overseas employment but within twelve months after so ceasing has again entered overseas employment, shall not enjoy rights as aforesaid unless forthwith on again entering overseas employment he furnishes the authority maintaining the fund to which he was formerly a contributor with particulars of his new employment and repays to that authority a sum equal to any sum paid to him by way of return of contributions, other than voluntary contributions, since ceasing to hold overseas employment.

(6) Where a person to whom these rules have become applicable ceases to hold overseas employment in the circumstances mentioned in paragraph (2) of this rule, then the local authority maintaining the superannuation fund to which he was formerly a contributor shall, if within six months after ceasing to hold the overseas employment he so requests, pay to him, in lieu of the benefits to which he would otherwise later become entitled under the said paragraph (2), those benefits reduced, according to his age at the date on which he ceased to be employed in the overseas employment, by the percentage shown in the appropriate column of the Table set out in the First Schedule to these rules, so, however, that any such reduction shall be disregarded in the calculation of any widow's pension which may become payable in respect of the person under paragraph (3) or (4) of this rule.

(7) Where a person to whom these rules have become applicable falls under sub-paragraph (*b*) of paragraph (1) of rule 4 of these rules, such national service shall, for the purposes of calculating any benefit payable to or in respect of him under this rule, be reckonable as contributing service or service for the purposes of the relevant local Act scheme if that service would have been so reckonable had the person returned to his former employment at the date on which he entered the overseas employment, or, if it would not have been so reckonable as aforesaid by reason of the fact that the person had not complied with any condition as to the payment of contributions, if immediately after he entered the overseas employment he paid to the authority maintaining the superannuation fund to which he was formerly a contributor the like sum as he would have been required to pay in order to comply with the said condition had he returned to his former employment.

Rights of a person who after leaving overseas employment again becomes a contributory employee or local Act contributor

6. Where a person to whom these rules have become applicable ceases to hold overseas employment and within twelve months thereafter again enters employment in which he is subject to the Act of 1937 or a local Act scheme, he shall be treated as if he has become so subject within twelve months after leaving the employment in which he was formerly so subject, and he shall be entitled to reckon the period of his overseas employment for the purpose of determining whether he becomes entitled to a benefit under the Act of 1937 or the local Act scheme but not for any other purpose:

Provided that—

(*a*) the amount of any transfer value that may become payable in respect of a person in pursuance of this rule under the regulations for the time being in force under section 24 of the Act of 1937 shall be calculated by reference to his age at the date on which he enters his new employment; and

(*b*) if there has been a break of twelve months or more between the date on which he left the employment in which he was subject to the Act of 1937 or a local Act scheme and the date on which he again becomes subject to the Act of 1937 or a local Act scheme he shall not be entitled—

(i) to enjoy rights under sections 6 and 26 of the Act of 1937 as a designated employee in respect of services rendered without a disqualifying break of service ; or

(ii) to exercise an option under sub-paragraph (*c*) of paragraph (1) of regulation 17 of the benefits regulations or under any corresponding provision contained in a scheme made under the Act of 1937 or the Act of 1953 ; or

(iii) to enjoy the benefits which he previously enjoyed by virtue of having exercised an option under paragraph (1) of regulation 17 of the benefits regulations, or under any corresponding provision of a scheme made in relation to a local Act or local Act scheme ; or

(iv) to make in his new employment any such payments as are mentioned in paragraph (1) or (2) of rule 9 of these rules in respect of any amount which was outstanding at the time when he ceased to be subject to the Act of 1937 or a local Act scheme, other than any such payments as are mentioned in the said paragraph (1) which under these rules he has continued to make but has not completed in his overseas employment.

Restrictions on calculation of benefits

7.—(1) Where a benefit becomes payable to or in respect of a person by virtue of paragraph (1) or (3) or (4) of rule 5 of these rules, any provision of the superannuation enactment applicable to him prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which, calculated by reference to that service, was, or would in certain given circumstances have become, payable to him shall be disregarded.

(2) Where a benefit becomes payable to or in respect of a person to whom rule 6 of these rules has become applicable and the amount of that benefit falls to be calculated under any provision of the superannuation enactment applicable to him prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which, calculated by reference to that service, was, or would in certain circumstances have become, payable to him, then, if the number of years of service reckonable by the person under the provisions of that enactment is less than any minimum number of years of qualifying service prescribed for receipt of the said benefit, the amount of the said benefit, in so far as it is obtained by reference to the said provision, shall be the amount which bears the same proportion to the sum otherwise payable as the number of years of service so reckonable as aforesaid bears to the minimum number of years of qualifying service.

Exercise of discretionary powers on a person's entry into overseas employment

8.—(1) Where a person has entered overseas employment and these rules have become applicable to him in relation to that employment, the authority or body by whom he was employed may, within three months after the date on which they receive notification from him or, if the employing authority are not the authority maintaining the fund to which he was a contributor,

from the last-mentioned authority, of his election that these rules shall 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 enactment which was applicable to him in his former employment.

(2) A decision made in the exercise of any discretion under paragraph (1) of this rule 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 any transfer value that may become payable by virtue of rule 6 of these rules shall be calculated accordingly.

(4) Any increase in service, if attributable to a decision 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 benefit to which a person becomes entitled under rule 5 of these rules, or the amount of any transfer value payable in pursuance of rule 6, 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 increase to the superannuation fund out of which the benefit or transfer value is payable.

Additional contributory payments and added years

9.—(1) Where a person in respect of whom a benefit may become payable under rule 5 of these rules was, at the time when he ceased to be a contributory employee or local Act contributor, 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 contributing service for the purposes of the Act of 1937 or as service or a period of contribution for the purposes of a local Act scheme, 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 Act or scheme, he shall be entitled, if on electing under rule 4 of these rules that these rules shall apply to him he repays forthwith to the authority maintaining the superannuation fund to which he was formerly a contributor a sum equal to any sum paid to him by way of a return of such payments on or after ceasing to hold his former employment, to pay the outstanding payments to the aforesaid authority in the

manner in which he would have been liable to pay them if, on the date when he entered overseas employment, he had entered employment in which he was a contributory employee, and—

(i) if he continues the payments, the service in respect of which they are made shall be reckonable for the purposes of the Act of 1937 or the local Act scheme, as the case may be, in the manner in which it would have been reckonable if, immediately before he ceased to hold his former employment, he had been under no further liability in respect of such payments ;

(ii) if he does not continue the payments, then, for the purpose of the Act of 1937 or the local Act scheme, as the case may be, account shall be taken of the service in respect of which the payments were being made only to the extent (if any) to which account would have been taken of that service if he had not been in the course of making such payments as aforesaid in respect thereof at the time when he left his former employment.

(2) Subject to the provisions of rule 6 of these rules, where a person in respect of whom a benefit may become payable under rule 5 of these rules was in the course of making payments in respect of added years at the time when he left his former employment, those years shall not be reckonable for any purpose of these rules.

Allocation of part of superannuation benefit to spouse or dependant

10. A person who becomes entitled under rule 5 of these rules to a benefit by way of annual amounts or who would become so entitled if he were to retire and who would have been entitled to surrender a part thereof had he become entitled to receive that benefit under the Act of 1937 or a local Act scheme on his retirement as an employee of the authority or body whose employment he left before entering overseas employment may surrender a part of that allowance in consideration of the grant of a pension to the spouse or any dependant of the person on the person's death, subject to and in accordance with the provisions of the Second Schedule to these rules.

Return of contributions

11. Notwithstanding anything in the Act of 1937 or any local Act scheme, no payment shall be made thereunder by way of a return of contributions, other than voluntary contributions, to any person who enters employment in which these rules have become applicable to him unless and until he ceases to hold that employment in circumstances in which he does not become entitled to any benefit under these rules.

Application of section 30 of the Act of 1937

12. The provisions of section 30 of the Act of 1937 shall have effect in relation to a person who has ceased to be a contributory employee and to whom these rules have become applicable as if the reference therein to an employee of a local authority included a reference to such a person and as if the reference to regulations made under that Act included a reference to these rules.

Dated this nineteenth day of August, 1958.

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

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE

PART I—SUPERANNUATION ALLOWANCE OR RETIREMENT PENSION

Age of person at date of ceasing to hold overseas employment:—	Percentage reduction to be made under rule 5 (6) by reference to the under-mentioned minimum age at which the person would have been entitled to a superannuation allowance under the Act of 1937 or local Act scheme or a retirement pension in the circumstances therein mentioned:—										
	55	56	57	58	59	60	61	62	63	64	65
45	46	50	53	56	59	62	65	67	69	71	73
46	43	47	51	54	57	60	63	65	67	70	72
47	40	44	48	51	55	58	61	63	65	68	71
48	36	41	45	48	52	56	59	61	63	66	69
49	32	37	42	45	49	53	56	59	61	64	67
50	28	33	38	42	46	50	53	56	59	62	65
51	23	29	34	38	43	47	50	53	57	60	63
52	18	24	30	34	39	43	47	50	54	58	61
53	13	19	25	30	35	39	44	47	51	55	58
54	7	13	20	25	31	35	40	44	48	52	55
55	—	7	14	20	26	31	36	41	45	49	52
56	—	—	7	14	20	26	31	37	41	46	49
57	—	—	—	7	14	20	26	32	37	42	46
58	—	—	—	—	7	14	20	27	32	38	42
59	—	—	—	—	—	7	14	21	27	33	38
60	—	—	—	—	—	—	7	15	21	28	33
61	—	—	—	—	—	—	—	8	15	22	28
62	—	—	—	—	—	—	—	—	8	16	23
63	—	—	—	—	—	—	—	—	—	9	17
64	—	—	—	—	—	—	—	—	—	—	9

PART III—LUMP SUM OR RETIREMENT GRANT

Age of person at date of ceasing to hold overseas employment:—	Percentage reduction to be made under rule 5 (6) by reference to the under-mentioned minimum age at which the person would have been entitled to a lump sum under the Act of 1937 or local Act scheme or a retirement grant in the circumstances therein mentioned:—										
	55	56	57	58	59	60	61	62	63	64	65
45	31	33	36	38	41	43	45	47	50	52	54
46	28	31	34	36	39	41	43	45	48	50	52
47	25	28	31	34	37	39	41	44	46	48	50
48	23	26	29	32	35	37	39	42	44	46	49
49	20	23	26	29	32	35	37	40	42	45	47
50	17	20	23	26	29	32	35	38	40	43	45
51	14	18	21	24	27	30	33	35	38	41	43
52	11	14	18	21	24	27	30	33	36	39	41
53	8	11	15	18	22	25	28	31	34	36	39
54	4	8	11	15	19	22	25	28	31	34	37
55	—	4	8	12	15	19	22	26	29	32	35
56	—	—	4	8	12	15	19	23	26	29	32
57	—	—	—	4	8	12	16	20	23	26	29
58	—	—	—	—	4	8	12	16	20	23	26
59	—	—	—	—	—	4	8	12	16	20	23
60	—	—	—	—	—	—	4	9	13	16	20
61	—	—	—	—	—	—	—	5	9	13	17
62	—	—	—	—	—	—	—	—	5	9	14
63	—	—	—	—	—	—	—	—	—	5	10
64	—	—	—	—	—	—	—	—	—	—	5

SECOND SCHEDULE

SURRENDER OF PART OF SUPERANNUATION BENEFIT

1. For the purpose of the exercise by a person of the right conferred by rule 10 of these rules to surrender part of a benefit, the Local Government Superannuation (Surrender of Superannuation Allowance) (Scotland) Rules, 1954(a), shall apply, subject to the modifications made by this Schedule and any other necessary modifications.

2. Rules 3 (1) and (2) and 4 (1) and (2) of the said rules of 1954 shall not apply.

3. A person to whom paragraph (2) of rule 5 of these rules applies shall, for the purpose of the rules applied by paragraph 1 of this Schedule, be deemed to cease to hold his employment at the date when he attains the greater age mentioned in that paragraph.

4.—(1) A person who may become entitled to exercise and may desire to exercise as a retiring employee within the meaning of the said rules of 1954 such right as is mentioned in paragraph 1 of this Schedule may give six months' notice in writing to the local authority maintaining the superannuation fund out of which will be payable the benefit in respect of which the right will be exercisable of the date, or probable date, on which the benefit will become payable and that he may desire to exercise such right, and shall inform them of any alteration in any date so notified.

(2) Where a person to whom this Schedule applies has not given a notice under sub-paragraph (1) of this paragraph but has become entitled to exercise and may desire to exercise such right as aforesaid, he shall within one month after ceasing to hold his overseas employment notify the local authority aforesaid in writing that he may desire to exercise such right as aforesaid, and of the date on which he ceased to hold that employment.

(3) A person who may become entitled to exercise and may desire to exercise as an eligible employee within the meaning of the said rules of 1954 such right as is mentioned in paragraph 1 of this Schedule may give six months' notice in writing to the local authority maintaining the superanuation fund out of which will be payable the benefit in respect of which the right will be exercisable of the date on which he expects to become so entitled and that he may desire to exercise such right and shall inform them of any alteration in any date so notified.

(4) Upon receipt of the notice from a person under any of the foregoing sub-paragraphs of this paragraph, the local authority shall treat the notice as if it were an application made under rule 3 of the said rules of 1954 and shall accordingly furnish the person with the documents referred to in the said rule 3, the provisional estimate referred to in that rule being calculated in the case of an eligible employee as at the date on which he is expected to become an eligible employee.

(5) Not more than one month after receipt of the documents mentioned in sub-paragraph (4) of this paragraph (or in the case of an eligible employee at any time allowed by the said rules of 1954) the person may notify his desire to surrender a part of the benefit which is or may become payable to him by completing the form provided for the purpose and sending it to the local authority:

Provided that where the local authority are satisfied that owing to circumstances beyond the control of the person it has not been reasonably practicable for him to notify his desire to surrender a part of a benefit within the time limit imposed by this paragraph, they may at their discretion extend that limit to a date not more than six months after the date on which he ceases to hold his overseas employment.

(a) S.I. 1954/888 (1954 II, p. 1709).

EXPLANATORY NOTE

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

These rules replace the Superannuation (Local Government and Colonial Service) (Scotland) Interchange Rules, 1949, and the Superannuation (Local Government, Commonwealth and Foreign Service) Interchange (Scotland) Rules, 1952. The rules enable a pensionable employee of a local authority who takes up any one of a variety of overseas appointments to preserve the benefit of the pension rights which had accrued in his favour when he left the local government service.

The overseas appointments to which the rules apply include public, academic and research appointments in a Commonwealth or foreign country, and appointments with the United Nations Organisation or other intergovernmental organisations to which Her Majesty's Government is a party.

The rules enable the employee on retiring from the overseas appointment to claim, if he is then eligible to do so, the benefits to which the period of his local government service entitled him. If his retiring age in the overseas appointment is less than that at which he could have claimed a pension in the local government service, he may either wait until he attains the greater age or, in certain circumstances (normally if he is 60), may claim an immediate pension of a reduced amount. The rules also provide for the payment of disability pensions, widows' pensions and death benefits should the employee become disabled or die before becoming entitled to a pension under the rules.

Where an employee returns to local government service within 12 months after leaving an overseas appointment the rules entitled him to continue to reckon his previous local government service. The rules also continue, with amendments, certain provisions of the rules of 1949 and 1952 with regard to the exercise of discretionary powers by a local authority, the adjustment of additional contributory payments, the surrender of part of a superannuation benefit for a spouse or dependant and the return of contributions.

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.

1958 No. 2092

The Superannuation (Transfers between the Civil Service and Public Boards) (Amendment) Rules, 1958

Made - - - -	*9th December,* 1958
Laid before Parliament	*15th December,* 1958
Coming into Operation	*16th December,* 1958

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred upon them by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), and of all other powers enabling them in that behalf, hereby make the following Rules :—

1.—(1) In these Rules, the expression "the principal Rules" means the Superannuation (Transfers between the Civil Service and Public Boards) Rules, 1950(b), as amended(c).

(a) 11 & 12 Geo. 6. c. 33. (b) S.I. 1950/1539 (1950 II, p. 291). (c) S.I. 1952/1330, 1954/263, 1955/127, 1427 (1952 II, p. 2389; 1954 II, p. 1522; 1955 II, pp. 1822, 1823).