(3) POLICY AND SCHEMES

(i) *England.* | (ii) *Scotland.* p. 3319.

(i) ENGLAND

The Superannuation (Policy and Local Government Schemes) Interchange Rules, 1948

1948 No. 1446

Made - - - -	*28th June,* 1948
Laid before Parliament	*29th June,* 1948
Coming into Operation	*5th July,* 1948

108037.

The Minister of Health, in exercise of the powers conferred on him by section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), hereby makes the following rules:—

1. These rules may be cited as the Superannuation (Policy and Local Government Schemes) Interchange Rules, 1948, and shall come into operation on the fifth day of July, 1948.

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

3. Where a person enters employment in which, but for the provisions of these rules, he would be or would be deemed to be a contributory employee or local Act contributor, having within twelve months before entering such employment been employed in employment in which he was a participant in the pension scheme operated under the Federated Superannuation System for Universities or the Federated Superannuation Scheme for Nurses and Hospital Officers or any other similar pension scheme approved by the Minister of Health (hereinafter called " the Minister "), after consultation with associations of local authorities appearing to him to be concerned, then, if the person so requests the authority or body by whom he is employed in writing within three months after entering their employment, such authority or body may, with the consent of the body administering the scheme, and subject to such arrangements as they may make with that body, pay the contributions authorised or required by the scheme to be paid by the employer, and in that event the person shall not in that employment be subject to the provisions of the Local Government Superannuation Act, 1937(c) (hereinafter called " the Act of 1937 ") or the local Act scheme:

Provided that this rule shall not apply in the case of any person to whom any similar provision in regulations made by the Minister under section 67 of the National Health Service Act, 1946(d), applies.

4. Where contributions are paid by an employing authority or body under the provisions of the last preceding rule in respect of any person, the authority or body shall deduct from the person's remuneration the amount of the contributions required by the scheme to be paid by the employee.

(a) 11 & 12 Geo. 6. c. 33.
(b) 52 & 53 Vict c. 63.
(c) 1 Edw. 8. & 1 Geo. 6. c. 68,
(d) 9 & 10 Geo. 6. c. 1.

5.—(1) Where a person within twelve months after ceasing to be employed in employment by virtue of which he was or was deemed to be a contributory employee or local Act contributor, and without having become entitled to any benefit under the Act of 1937 or the local Act scheme other than a return of contributions, enters employment in which he is a participant in the pension scheme operated under the Federated Superannuation System for Universities or the Federated Superannuation Scheme for Nurses and Hospital Officers or any other similar pension scheme approved by the Minister, after consultation with associations of local authorities appearing to him to be concerned, the person may within three months after becoming such participant notify the local authority maintaining the superannuation fund to which he was a contributor that he desires the provisions of these rules to apply to him, and in that event that authority may, if the body administering the pension scheme in which he is a participant (hereinafter called " the relevant scheme ") undertakes to invest or secure the investment of such sum for his benefit under the relevant scheme in the purchase of a policy of insurance on his life providing for the payment on his reaching a specified age or on his retirement of an annuity to him or of such joint annuity to him and another as he may be entitled to select in accordance with the terms of the relevant scheme, such annuity or joint annuity not to be capable of commutation or assignment, and to comply with the provisions of the next succeeding paragraph, pay out of the superannuation fund maintained by them to that body a sum not exceeding the amount of the transfer value which would have been payable had he become a contributory employee:

Provided that a person who received a return of contributions on or after ceasing to be employed as aforesaid shall not be entitled to the benefit of the foregoing provisions of this paragraph unless, on entering such further employment as aforesaid, he repays to the local authority maintaining the superannuation fund to which he was a contributor an amount equal to the sum paid to him by way of a return of contributions, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment.

(2) If a person to whom the preceding paragraph has been applied ceases to participate in the relevant scheme in circumstances in which he becomes entitled to a benefit based solely on his contributions thereunder, the body administering the relevant scheme shall pay to the local authority maintaining the superannuation fund to which he was a contributor any moneys received under the policy purchased by them pursuant to the provisions of the preceding paragraph in respect of the person, and the local authority shall pay to him a sum equal to any amount which was paid to him by way of a return of contributions and repaid by him pursuant to the proviso to the preceding paragraph or, if no such payment was made to him, a sum equal to the amount which would have been paid to him by way of a return of contributions on his ceasing to be or to be deemed to be a contributory employee or local Act contributor, after the addition thereto of an amount equal to interest on the said sum, as from the date on which the policy was purchased, calculated at the rate which would have been applicable under the relevant scheme on contributions returned thereunder at that date.

(3) If such a person as is mentioned in the last preceding paragraph, within twelve months after ceasing so to participate in the relevant scheme and within five years after ceasing to be or to be deemed to be a contributory employee or local Act contributor, again enters employment in which he is or is deemed to be a contributory employee or local Act contributor, he shall be entitled, if he pays or repays to the local authority maintaining the superannuation fund in the benefits of which he is entitled to participate a sum

equal to the amount (if any) which was paid to him pursuant to the provisions of the last preceding paragraph, to reckon such service as he would have been entitled to reckon had there been no break between his ceasing to be or to be deemed to be a contributory employee or local Act contributor and his again becoming such an employee or contributor as aforesaid.

(4) Any sums paid under the two last preceding paragraphs to a local authority maintaining a superannuation fund shall be paid by them into the fund.

(5) If a local authority have received a payment under paragraph (2) of this rule in respect of a person who makes a payment under paragraph (3) of this rule to another local authority, the first mentioned authority shall pay out of the superannuation fund maintained by them to that other authority an amount equal to the payment so received by the first mentioned authority, together with interest thereon, as from the date of receipt, calculated at the rate appropriate in relation to the superannuation fund maintained by them, and that other authority shall pay into the superannuation fund maintained by them the amount so received.

Given under the official seal of the Minister of Health this twenty-eighth day of June, 1948.

Aneurin Bevan,
Minister of Health.

EXPLANATORY NOTE

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

These rules provide for the preservation of the contingent superannuation rights of persons leaving superannuable service under local authorities and entering employment in which they become participants in the Federated Superannuation System for Universities, the Federated Superannuation Scheme for Nurses and Hospital Officers or any other pension scheme approved by the Minister which provides benefits by means of policies of insurance, and vice versa.

(ii) SCOTLAND

The Superannuation (Policy and Local Government Schemes) Interchange (Scotland) Rules, 1948

1948 No. 1462 (S. 121)

Made - - - -	28*th June*, 1948
Laid before Parliament	1*st July*, 1948
Coming into Operation	5*th July*, 1948

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), hereby makes the following rules:—

1. These rules may be cited as the Superannuation (Policy and Local Government Schemes) Interchange (Scotland) Rules, 1948, and shall come into operation on the fifth day of July, 1948.

(a) 11 & 12 Geo. 6. c. 33.