STATUTORY INSTRUMENTS

1972 No. 1761

PENSIONS

The Superannuation (Teaching and Civil Service) Interchange (Scotland) (Amendment) Rules 1972

Made - - -	17*th November* 1972
Laid before Parliament	27*th November* 1972
Coming into Operation	19*th December* 1972

The Secretary of State for Scotland and the Minister for the Civil Service, in exercise of the powers conferred by section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(**a**) (as amended by section 11 of the Superannuation (Miscellaneous Provisions) Act 1967(**b**) and paragraph 25 of Schedule 6 to the Superannuation Act 1972(**c**)) and by section 15 of the said Act of 1948 and now vested in them (**d**), and of all other powers enabling them in that behalf, hereby jointly make the following Rules:—

1. These Rules may be cited as the Superannuation (Teaching and Civil Service) Interchange (Scotland) (Amendment) Rules 1972, and shall come into operation on 19th December 1972.

2.—(1) In these Rules—

"established civil servant" means a person serving in an established capacity in the permanent civil service of the State within the meaning of section 98 of the Superannuation Act 1965(**e**);

"the principal Rules" means the Superannuation (Teaching and Civil Service) Interchange (Scotland) Rules 1970(**f**);

"unestablished pensionable civil servant" means a person to whom the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 applies, but who is not an established civil servant.

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

(**a**) 1948 c. 33.
(**b**) 1967 c. 28.
(**c**) 1972 c. 11.
(**d**) *See* S.I. 1968/1656 (1968 III, p. 4485).
(**e**) 1965 c. 74.
(**f**) S.I. 1970/1464 (1970 III, p. 4801).
(**g**) 1889 c. 63.

3. The principal rules shall be amended as follows:—

(*a*) by substituting in Rule 3(1), for the definition of "the Act of 1965", the following definition:—

" "the Act of 1965" means, in relation to any time before 25th March 1972, the Superannuation Act 1965, and, in relation to any time on or after that date, the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972";

(*b*) by substituting in Rule 3(1), for the definition of "civil servant", the following definition:—

" "civil servant" means, in relation to any time before 1st June 1972, a person serving in an established capacity in the permanent civil service of the State within the meaning of section 98 of the Superannuation Act 1965, and, in relation to any time on or after that date, a person to whom the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 applies";

(*c*) by substituting in Rule 3(1), for the definition of "reckonable service", the following definition:—

" "reckonable service" means reckonable service within the meaning of the Teachers Regulations of 1969 to 1972";

(*d*) by substituting in Rule 3(1), for the definition of "the Teachers Regulations of 1969", the following definition:—

" "the Teachers Regulations of 1969 to 1972" means the Teachers Superannuation (Scotland) Regulations 1969 to 1972(**a**);

(*e*) by substituting in Rule 3(1), for the definition of "the teachers superannuation account", the following definition:—

" "the teachers superannuation account" means the account kept under Regulation 6 of the Teachers Superannuation (Financial Provisions) (Scotland) Regulations 1972(**b**);

(*f*) by omitting in Rule 9 the words "otherwise than on dismissal in consequence of an offence of a fraudulent character or of grave misconduct".

4. The principal Rules shall apply to a person who, during the period beginning with 1st June 1972 and ending with the coming into operation of these Rules, became or ceased to be an unestablished pensionable civil servant as they apply to a person who became or ceased to be an established civil servant.

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

St. Andrew's House,
Edinburgh.

15th November 1972.

(**a**) S.I. 1969/77, 659, 1971/1995, 1972/551 1239, (1969 I, p. 133, II, p. 1820; 1971 III, p. 5683; 1972 I, p. 1855, II, p. 3738).
(**b**) S.I. 1972/551 (1972 I, p. 1855).

Given under the official seal of the Minister for the Civil Service on 17th November 1972.

(L.S.)

Kenneth Baker,
Authorised by the Minister
for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Superannuation (Teaching and Civil Service) Interchange (Scotland) Rules 1970, which make provision for the pensions of persons who transfer from employment as a teacher in Scotland to employment in the civil service or in the opposite direction. The amendments are consequent upon the replacement of the Superannuation Act 1965 by the principal civil service pension scheme made under section 1 of the Superannuation Act 1972, and upon changes in the Teachers Superannuation (Scotland) Regulations 1969 to 1972.

Under the powers conferred by section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948, the 1970 Rules are applied to persons who became, or ceased to be, employed in the civil service between 1st June 1972 and the coming into operation of these Rules as pensionable civil servants under the principal civil service pension scheme, but not as established civil servants.

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