EXPLANATORY NOTE

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

These rules are designed to enable service by a contributor to the Staff Pension Fund of the Central Council for Health Education, who transfers to contributory service under the Teachers Superannuation Acts, to be taken into account in the calculation of pension under those Acts subject to an appropriate payment by the Council to the Minister of Education. In transfers the other way the rules are designed to enable the service with the Central Council to be treated as approved external service, thus preserving the person's accrued rights under the Teachers Superannuation Acts.

The Superannuation (Teaching and Local Government) Rules, 1950

1950 No. 1108

Made - - - -	3*rd July*, 1950
Laid before Parliament	5*th July*, 1950
Coming into Operation	17*th July*, 1950

The Minister of Education, with the consent of the Treasury, and the Minister of Health jointly in exercise of the powers conferred upon them by Sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), hereby make the following rules 1 to 28, and the Minister of Education, with the like consent, in exercise of the powers conferred upon him by Section 11 of that Act, hereby makes the following rule 29 :—

PART I

Introductory

1.—(1) These rules may be cited as the Superannuation (Teaching and Local Government) Rules, 1950, and shall come into operation on the seventeenth day of July, 1950.

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

(3) In these rules, unless the context otherwise requires:—

(*a*) " the Act " means the Superannuation (Miscellaneous Provisions) Act, 1948 ;

" the Act of 1909 " means the Asylums Officers' Superannuation Act, 1909(**c**) ;

" the Act of 1925 " means the Teachers (Superannuation) Act, 1925(**d**) ;

" the Act of 1937 " means the Local Government Superannuation Act, 1937(**e**) ;

" the Act of 1939 " means the Local Government Staffs (War Service) Act, 1939(**f**) ;

(**a**) 11 & 12 Geo. 6. c. 33.
(**b**) 52 & 53 Vict. c. 63.
(**c**) 9 Edw. 7. c. 48.
(**d**) 15 & 16 Geo. 5. c. 59.
(**e**) 1 Edw. 8. & 1 Geo. 6. c. 68.
(**f**) 2 & 3 Geo. 6. c. 94.

" the Act of 1945 " means the Teachers (Superannuation) Act, 1945(a) ;

" the Teachers Acts " means the Teachers (Superannuation) Acts, 1918 to 1946 ;

" local authority " includes, in the case of a local authority who have ceased to exist, the local authority by whom the expenses of the first-mentioned local authority were defrayable, and " authority " shall be construed accordingly ;

" Local Government Modification Regulations " means the National Insurance (Modification of Local Government Superannuation Schemes) Regulations, 1947(b) ;

" local government service " means service in—

(*a*) employment by virtue of which the person employed is or is deemed to be a contributory employee or local Act contributor within the meaning of the Act of 1937 ; or

(*b*) employment, other than as aforesaid, by virtue of which the person employed is entitled to participate in any of the benefits of a superannuation fund maintained under a local Act scheme in England or Wales ;

" the Minister " means the Minister of Education ;

" national service ", in relation to any person, means compulsory national service within the meaning of the Act, 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 immediately before undertaking compulsory national service continues in similar service ;

" pension " has the meaning assigned to that expression by the Act ;

" the Regulations of 1939 " means the Local Government Superannuation (Transfer Value) Regulations, 1939(c) ;

" the Regulations of 1947 " means the National Health Service (Superannuation) Regulations, 1947(d) ;

" return of contributions " means any contributions repaid to a person under Section 12 (1) of the Act of 1925 or under Section 8 (1) of the Act of 1945 or under Section 10 of the Act of 1937 or under a local Act scheme or under any such section or scheme as amended by these rules as the context requires ;

" Teachers Modification Regulations " means the National Insurance (Modification of Teachers Pensions) Regulations, 1948(e) ; and

" war service " means war service within the meaning of the Act of 1939 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 ;

(*b*) other expressions which have meanings assigned to them by any of the above-mentioned Acts have the same respective meanings for the purposes of these rules ;

(*c*) any reference to the provisions of any enactment, rules, regulations, or other instrument shall be construed as a reference to those provisions as re-enacted, reproduced or amended by any subsequent enactment, rules, regulations or instrument.

(a) 8 & 9 Geo. 6. c. 14. (b) S.R. & O. 1947 (No. 1245) I, p. 1498.
(c) S.R. & O. 1939 (No. 329) II, p. 2604. (d) S.R. & O. 1947 (No. 1755) I, p. 1373.
(e) S.I. 1948 (No. 889) I, p. 2851.

2. These rules prescribe conditions as to pensions payable to persons, transferring from one employment to another employment, that is to say—

(*a*) Part II of these rules prescribes conditions for persons transferring from employment in contributory service to employment in local government service;

(*b*) Part III of these rules prescribes conditions for persons transferring from employment in local government service to employment in contributory service; and

(*c*) Part IV of these rules provides for the treatment of local government service as approved external service.

PART II

Transfer from Employment in Contributory Service to Employment in Local Government Service

3.—(1) Where a person, without having become entitled to pension under the Teachers Acts other than a return of contributions, becomes employed in local government service within twelve months after ceasing to be employed in contributory service, then, subject to the provisions of this Part of these rules—

(*a*) his recognised service (if any) and his contributory service shall be reckoned as contributing service under the Act of 1937 or as service under a local Act scheme or a period of contribution for the purposes of such a scheme;

(*b*) his service, if any, which, but for the provisions of rule 11 (*b*) of these rules, would have been reckonable as non-contributing service by virtue of paragraph (*a*) of the proviso to Section 17 (1) of the Act of 1937, shall be reckoned as non-contributing service; and

(*c*) neither he nor his legal personal representatives shall be entitled to be repaid a balance of contributions under the Teachers Acts in respect of any service for which a transfer value has been paid or is payable under the provisions of rule 16 of these rules.

(2) In the case of a person to whom this Part of these rules applies, a period of contributory service which was originally non-contributing service for the purposes of local government superannuation or for the purposes of the Regulations of 1947 and became reckonable as contributory service by virtue of Part III of these rules or by virtue of the provisions of the Regulations of 1947, shall be reckonable—

(*a*) if that person becomes subject to the Act of 1937, as non-contributing service at double the length at which it became reckonable as contributory service under rule 17 (1) (*b*) of these rules or under the Regulations of 1947; or

(*b*) if that person becomes subject to a local Act scheme, as service under the local Act scheme at double the length at which it became reckonable as contributory service under rule 17 (1) (*b*) of these rules or under the Regulations of 1947 for the purpose of determining whether he has served for the minimum period required by that scheme for any pension to be paid to or in respect of him and for all other purposes of the local Act scheme at the length at which it became so reckonable as contributory service as aforesaid.

(3) This Part of these rules shall apply to a person as aforesaid notwithstanding that the cessation of his employment in contributory service or the

commencement of his employment in local government service was before the date of the coming into operation of these rules but shall not apply—

(*a*) to a person whose last employment in contributory service ceased before the 4th February, 1948, unless—

(i) he is in local government service at the date of the coming into operation of these rules and Section 17 of the Act of 1937 applies to him, or, if he is not in such service at that date, he re-enters such service within twelve months of having ceased to be in such service and Section 17 of the Act of 1937 applies to him ; and

(ii) the Minister and the local authority maintaining the fund to which he is or becomes a contributor agree that this Part of these rules shall apply to him ; or

(*b*) to a person whose employment in contributory service ceased on or after the 4th February, 1948, but before the date of the coming into operation of these rules unless—

(i) he has been in local government service from the date when he ceased to be employed in contributory service until the date of the coming into operation of these rules without a break of twelve months or more at any one time or, if he has ceased to be employed in local government service before the last mentioned date, until the date when he ceased to be in such service ; and

(ii) if he has ceased to be employed in local government service before the date of the coming into operation of these rules, the Minister and the local authority maintaining the fund to which he was last a contributor agree that this Part of these rules shall apply to him.

(4) This Part of these rules shall not apply to a person as aforesaid unless within three months after the date on which he becomes employed in local government service or within six months after the date on which these rules come into operation, whichever period last expires—

(*a*) he notifies the local authority by whom he is employed, or, if he has ceased to be employed in local government service, the local authority by whom he was last employed in such service, that he desires this Part of these rules to apply to him and furnishes such local authority with particulars of his previous pensionable employment ; and

(*b*) he pays to such local authority an amount equal to any sum received by him by way of return of contributions after last ceasing to be employed in contributory service :

Provided that nothing in this rule shall affect the application of rule 11 of these rules.

(5) Notwithstanding anything to the contrary in section 57 of the Manchester Corporation Act, 1920(a), this rule shall apply to a person who has been employed in contributory service and has become subject to the superannuation provisions contained in Part VII of that Act.

4.—(1) For the purposes of this Part of these rules a person shall not be deemed to cease to be employed in contributory service if he ceases to be employed in service which is treated as contributory service by virtue of its being approved external service for the purposes of Section 13 of the Act of 1925 or of its being treated under any scheme made under Section 21 (1) (*c*) of that Act in the same manner as such approved external service.

(a) 10 & 11 Geo. 5. Ch. xcvii.

(2) Except for the purposes of determining whether a person to whom this Part of these rules applies is entitled to any pension under the Act of 1937 or under a local Act scheme the expression "recognised service (if any) and his contributory service" shall not include—

(*a*) contributory service under a Scheme made under Section 21 (1) (*a*) of the Act of 1925 ; or

(*b*) service which is treated as contributory service by virtue of its being approved external service for the purposes of Section 13 of the Act of 1925 or of its being treated under any scheme made under Section 21 (1) (*c*) of that Act in the same manner as such approved external service ; or

(*c*) service before the 1st April, 1926, which by virtue of Section 14 (2) of the Act of 1925 is not reckonable in the calculation of pension payable by the Minister under that Act ; or

(*d*) any period of recognised or contributory service in respect of which the person received a return of contributions, not being a return of contributions after last ceasing to be employed in contributory service, which he has not subsequently repaid to the Minister under the proviso to Section 12 (2) of the Act of 1925.

5.—(1) Where a person's period of war service within the meaning of the Teachers Superannuation (War Service) Act, 1939(**a**), or period of national service within the meaning of the Teachers Superannuation (National Service) Rules, 1949(**b**), becomes reckonable as contributing service by virtue of these rules but the sum due in respect of contributions in respect of the whole or any part of such war service or national service payable by that person in accordance with the aforesaid Act or the aforesaid first mentioned rules have not been paid to the Minister at the date on which that person becomes employed in local government service or, if he became so employed before the date of the coming into operation of these rules, at the last mentioned date, then—

(*a*) the right to receive the sum outstanding, which expression shall include any sum due by virtue of Section 2 (3) or Section 3 (2) (*b*) of the said Act of 1939, shall be, and is hereby, transferred to the local authority prescribed by sub-paragraph (*b*) of this rule ; and

(*b*) unless the said sum is paid within three months after the date when that person becomes employed in local government service or within six months after the date of the coming into operation of these rules, whichever period last expires, by that person to the local authority maintaining the fund to which that person is a contributor at the date of payment, or, if he has ceased to be employed in local government service before the date of the coming into operation of these rules or after the said date and before the expiration of the period aforesaid to the local authority maintaining the fund to which he was last a contributor, the service in respect of which payment is not made shall not be reckonable as contributing service ; any service which, by virtue of this paragraph is not reckonable as contributing service shall be disregarded in calculating a transfer value under rule 16 of these rules and if it has not been disregarded in the transfer value already paid such transfer value shall be adjusted accordingly.

(2) In the case of any person as aforesaid any employer's contributions payable under rule 6 of the Teachers Superannuation (Employer's Contributions) Rules, 1928(**c**), which are outstanding at the date on which the Minister

(a) 2 & 3 Geo. 6. c. 95. (b) S.I. 1949 (No. 468) I, p. 1533.
(c) S.R. & O. 1928 (No. 200) p. 470.

pays a transfer value in respect of that person under rule 16 of these rules shall be paid forthwith by the employer to the Minister and if they are not so paid shall be deducted from any grant payable to that employer by the Minister.

6. Where a person to whom this Part of these rules applies was, at the date on which he ceased to be employed in contributory service, in course of making to the Minister, as a condition of reckoning past service, any payments or contributions additional to those required by Section 9 of the Act of 1925, the right to receive the balance of the said payments or contributions outstanding at the date on which he becomes employed in local government service shall be, and is hereby, transferred to the local authority maintaining the fund to which that person is a contributor, and that person shall pay to such local authority sums equal to the sums which he would, but for the provisions of this rule, have been liable to pay to the Minister at the times at which and in the manner in which those sums would have become due to the Minister.

7. Royal Air Force teaching service which is reckoned as recognised or contributory service at one-and-a-half times its actual length under the Scheme made on the 2nd May, 1930(**a**), under Section 21 (1) (*b*) of the Act of 1925, shall be computed in like manner for the purposes of this Part of these rules, but not so as to affect the ascertainment of average remuneration.

8. In the case of an Organiser any part of whose service before the 1st April, 1926, is, by virtue of Section 14 (2) of the Act of 1925 and of this Part of these rules, not reckonable in the calculation of pension granted to him when he ceases to be employed in local government service, the local education authority by whom he was last employed in contributory service may pay to or in respect of him the amounts by which the said pension would have been increased if his service before the said date had been treated as recognised service.

9. In the case of a person who becomes subject to the provisions of this Part of these rules, Section 124 (5) (*c*) of the Local Government Act, 1929(**b**), shall have effect as if any pension payable to or in respect of him were payable to or in respect of him under Part II of the Act of 1925.

10.—(1) The modifications for which the Local Government Modification Regulations provide shall not apply to any person to whom this Part of these rules applies if the modifications for which the Teachers Modification Regulations provide did not apply in his case at the date when he ceased to be in contributory service unless the modifications for which the Local Government Modification Regulations provide apply to him at the date of the coming into operation of these rules by virtue of a notice given by him under regulation 10 of the last mentioned regulations.

(2) The Local Government Modification Regulations shall apply to any other person to whom this Part of these rules applies as if any service which he becomes entitled to reckon under rule 3 (1) of these rules, being service of which account would have been taken under the Teachers Modification Regulations for the purpose of reducing any benefit to which that person might have become entitled under the Teachers Acts had he continued to be subject thereto, were contributing service or service for the purposes of the local Act scheme, as the case may be, rendered on or after the 5th July, 1948; and if the Teachers Modification Regulations modified any benefit to which he might have become entitled under the Teachers Acts

(a) S.R. & O. 1930 (No. 309) p. 486. (b) 19 & 20 Geo. 5. c. 17.

by reference to a Table and to his age at a given date, the Local Government Modification Regulations shall have effect as if any provision therein modifying superannuation benefits by reference to a Table and the age of a person at a given date applied in his case, except that the reference to his age at that date shall be construed as a reference to his age at the date which was relevant for the purpose of the Teachers Modification Regulations.

11. Subsection (1) of Section 17 of the Act of 1937, which provides for the reckoning of service of a teacher who becomes a contributory employee, shall not apply to the recognised or contributory service of any person who having been employed in recognised or contributory service becomes or has become employed in local government service—

(*a*) on or after the date on which these rules come into operation ; or

(*b*) before that date, if he is a person to whom this Part of these rules applies.

12. Where a person to whom this Part of these rules applies ceases to be employed in local government service or dies, then, in calculating contributions for the purposes of computing the sum to which he or his legal personal representatives shall be entitled under Section 10 of the Act of 1937, or the corresponding provisions of the local Act scheme, there shall be included a sum in respect of contributions paid by him in respect of service which by virtue of these rules has become reckonable as local government service, and in computing the amount of the sum so included—

(*a*) as respects the period ending immediately before the date on which he became employed in local government service, compound interest shall be calculated in the manner in which it would have been calculated if he had received a return of contributions immediately before that date, or, if he received a return of contributions before that date, up to the date of such return ; and

(*b*) as respects the period beginning with that date, compound interest shall be calculated in accordance with the provisions of Section 10 of the Act of 1937 or the local Act scheme.

13. Where a person to whom this Part of these rules applies ceases to be employed in local government service and becomes employed in contributory service in circumstances in which Part III of these rules does not apply to him, any service in respect of which a transfer value was paid under rule 16 of these rules shall be treated under the Teachers Acts as qualifying service.

14. Where a person to whom this Part of these rules applies who, having become employed in local government service before the date of the coming into operation of these rules, ceased to be so employed before that date and again became or becomes so employed, the provisions of the Act of 1937 or any local Act scheme, as the case may be, relating to the reckoning of service on change of employment shall have effect as if any recognised or contributory service which he may have become entitled to reckon by virtue of rule 3 of these rules in relation to the employment which he first entered after ceasing to be employed in contributory service had been reckonable at the date on which he ceased to hold his first employment in local government service.

15. The provisions of Section 35 of the Act of 1937, which relate to the decision of questions by local authorities and appeals to the Minister of Health, shall have effect in relation to a person who becomes or has become a contributory employee or a person who is deemed to be a contributory

employee in circumstances in which this Part of these rules applies to him as if the reference in that section to regulations made under that Act included a reference to these rules.

16.—(1) The Minister shall, as respects a person to whom this Part of these rules applies, pay to the authority maintaining the fund to which that person first becomes or became a contributor after ceasing to be employed in contributory service a transfer value of an amount equal to the transfer value which would have been payable under the Regulations of 1939 if that person, at the date when he ceased to be in contributory service, had ceased to be a contributory employee or a local Act contributor under one local authority and had become entitled to reckon such service as is reckonable under rule 3 of these rules and had become a contributory employee or local Act contributor under another local authority:

Provided that—

(i) the transfer value payable in respect of a person who ceased to be employed in contributory service more than twelve months before the date of the coming into operation of these rules shall be calculated by reference to his age at that date; and

(ii) the transfer value shall be reduced by any sum outstanding or balance of payments or contributions the right to receive which is transferred to a local authority under the provisions of rule 5 (1) (*a*) or rule 6 of these rules.

(2) The references to "any Regulations" and "any such Regulations" in the proviso to paragraph 2 of the First Schedule to the Regulations of 1939 shall be deemed to include a reference to these rules.

Part III

Transfer from Employment in Local Government Service to Employment in Contributory Service

17.—(1) Where, within the prescribed period as hereinafter in this rule defined, a person, without having become entitled to pension under the Act of 1937 or local Act scheme other than a return of contributions, becomes employed in contributory service, not being service which is treated as contributory service by virtue of its being approved external service for the purposes of Section 13 of the Act of 1925 or of its being treated under any scheme made under Section 21 (1) (*c*) of that Act in the same manner as such approved external service, then, subject to the provisions of this Part of these rules—

(*a*) the period of his service which is reckonable at the time of his ceasing to be employed in local government service as contributing service or as service or a period of contribution for the purposes of a local Act scheme, or any period of war service or national service after so ceasing to be employed in local government service which would have been reckonable as aforesaid had the person again become employed in local government service on the termination of his war service or national service, shall be reckoned as contributory service under the Teachers Acts;

(*b*) the period of his service (if any) which is reckonable at the time of his ceasing to be employed in local government service as non-contributing service shall, as to one-half thereof, be reckoned as contributory service under the Teachers Acts; and

(*c*) notwithstanding anything in the Act of 1937 or the local Act scheme no payment shall be made thereunder by way of return of contributions to him or his legal personal representatives.

(2) Notwithstanding the provisions of sub-paragraph (*b*) of the last foregoing paragraph, such part of a person's service as is mentioned in that sub-paragraph shall be reckoned, as to the whole period thereof, as contributory service for the purpose of—

(*a*) determining whether he has completed the period of contributory service required by the Teachers Acts as necessary for any pension to be paid to or in respect of him ; or

(*b*) calculating his average salary under the provisions of Section 10 (2) of the Act of 1925.

(3) For the purposes of this rule the expression " prescribed period " shall be—

(*a*) in the case of a person to whom Section 6 of the Act has become applicable, five years after ceasing to be employed in local government service or such longer period as the Minister of Health may in the particular case allow ;

(*b*) in the case of a person who ceased to be employed in local government service in order to undertake war service or who immediately after leaving such employment became engaged in national service, six months after the termination of his war service or national service ; or

(*c*) in the case of any other person, twelve months after ceasing to be employed in local government service.

(4) A person shall not be entitled by virtue of this Part of these rules to reckon as contributory service under the Teachers Acts—

(*a*) any service which he is or was entitled to reckon as contributing or non-contributing service by virtue of Section 17 of the Act of 1937 if that service is reckonable as recognised or contributory service otherwise than by virtue of these rules ; or

(*b*) any service which in his case is deemed to be service to which the said Section 17 applies by virtue of the Local Government Superannuation (England and Scotland) Regulations, 1939(**a**), if that service is reckonable as service under the Superannuation Scheme for Teachers (Scotland), 1926(**b**).

(5) This Part of these rules shall apply to a person as aforesaid notwithstanding that the cessation of his employment in local government service or the commencement of his employment in contributory service was before the date of the coming into operation of these rules but shall not apply—

(*a*) to a person whose employment in local government service ceased before the 4th February, 1948 ; or

(*b*) to a person whose employment in local government service ceased on or after the 4th February, 1948, but before the date of the coming into operation of these rules unless—

(i) he is employed in contributory service at the date of the coming into operation of these rules, or, if he is not employed in contributory service on that date, the Minister agrees that this Part of these rules shall apply to him ; and

(ii) the authority maintaining the fund to which he was last a contributor before he became employed in contributory service agrees that this Part of these rules shall apply to him.

(**a**) S.R. & O. 1939 (No. 283) II, p. 2637. (**b**) S.R. & O. 1926 (No. 363) p. 449.

(6) This Part of these rules shall not apply to a person as aforesaid unless within three months after the date on which he becomes employed in contributory service or within six months after the date on which these rules come into operation, whichever period last expires—

(*a*) he notifies the Minister that he desires this Part of these rules to apply to him and furnishes the Minister with particulars of his previous pensionable employment and war service and national service (if any); and

(*b*) he pays to the Minister an amount equal to any sum received by him by way of return of contributions after last ceasing to be employed in local government service:

Provided that for the purposes of the payment for which sub-paragraph (*b*) of this paragraph provides the Minister may, in any particular case, allow a longer period.

18. Where a person to whom this Part of these rules applies has, during his employment in local government service, been employed as a part-time employee, the period of his part-time service shall be treated for the purposes of these rules as though it were whole-time service for a proportionately reduced period.

19.—(1) Where a person's period of war service becomes reckonable as contributory service by virtue of these rules but the contributions in respect of the whole or any part of such war service payable by that person in accordance with the Act of 1939 have not been paid before the date when that person becomes employed in contributory service, then—

(*a*) the right to receive the sum outstanding on that date shall be, and is hereby, transferred to the Minister; and

(*b*) unless the said sum is paid within three months after that date or within six months after the date of the coming into operation of these rules, whichever period last expires, by that person to the Minister, the service in respect of which payment is not made shall not be reckonable as contributory service.

(2) Where a person's period of national service would be reckonable as contributory service by virtue of these rules but for the fact that contributions in respect thereof under the Superannuation (Local Government Staffs) (National Service) Rules, 1949(**a**), have not been paid before the date when that person becomes employed in contributory service, then unless the said contributions are paid to the Minister within three months after that date or within six months after the date of the coming into operation of these rules, whichever period last expires, the period of national service shall not be reckonable as contributory service.

(3) Any service which, by virtue of paragraph (1) (*b*) or paragraph (2) of this rule, is not reckonable as contributory service shall be disregarded in calculating the transfer value payable under rule 28 of these rules, and if it has not been disregarded in the transfer value already paid such transfer value shall be adjusted accordingly.

20.—(1) In taking account under rule 17 of these rules of any service or period of contribution for the purposes of a local Act scheme, regard shall be had to the following provisions of this rule.

(2) If in relation to part of any service which is reckonable as service or a period of contribution for the purposes of a local Act scheme (which part is in this paragraph referred to as "the said service") the person pursuant

(**a**) S.I. 1949 (No. 545) I, p. 3105.

to the provisions of the local Act scheme had been discharging, but had not fully discharged, a liability subsisting at the date when he ceased to be employed in local government service to pay a sum by instalments to the superannuation fund maintained by the local Act authority as a condition of being entitled to reckon the said service for any of the purposes of the local Act scheme, then—

(*a*) subject to the provisions of sub-paragraph (*b*) of this paragraph, the said service shall be treated as non-contributing service; and

(*b*) to the extent that one half the aggregate amount paid on account of the sum due in discharge of the liability aforesaid would, if the said service had been non-contributing service, and the said aggregate amount had been paid pursuant to the provisions of the Local Government Superannuation (Additional Contributory Payment) Regulations, 1939(a), in relation to the emoluments of his employment in local government service at the date when he ceased to hold that employment and to his age at that date, enable him to reckon any period of the said service as contributing service, the whole of that period shall be treated as contributing service.

(3) If in relation to part of any service which is reckonable as service or a period of contribution for the purposes of a local Act scheme (which part is in this paragraph referred to as "the said service") the person pursuant to the provisions of the local Act scheme would, had he not ceased to hold his employment in local government service, have been under a liability to make payments to the superannuation fund maintained by the local Act authority by way of a contribution of a percentage of emoluments additional to the percentage payable in respect of current service as a condition of being entitled to reckon the said service for any of the purposes of the local Act scheme, then the provisions of sub-paragraphs (*a*) and (*b*) of the last preceding paragraph shall apply in relation to the said service, with the substitution for the reference in sub-paragraph (*b*) to the sum due in discharge of the liability aforesaid of a reference to additional percentage contributions.

21. Where a person to whom this Part of these rules applies has agreed to make, but had not during his employment in local government service completed making, additional contributory payments under the pension scheme applicable to him, not being a local Act scheme, the right to receive the balance of the debt shall be, and is hereby, transferred to the Minister, and that person shall pay to the Minister sums equal to the additional contributory payments which he would have been liable to make had he continued to be employed in local government service at the times at which and in the manner in which those additional contributory payments would have become due to the authority maintaining the superannuation fund to which he was a contributor.

22. Subject as provided by the next following rule, where by virtue of a scheme modifying the Act of 1937 any period of service of a person is reckoned at a fraction of its actual length for the purpose of calculating the transfer value payable under rule 28 of these rules, then, for the purpose of assessing the pension payable to or in respect of him under the Teachers Acts, only that fraction of that period of service shall be reckoned as contributory service.

(a) S.R. & O. 1939 (No. 52) II, p. 2566.

23.—(1) If in his local government service a person to whom this Part of these rules applies was not subject to a local Act scheme, the local authority in whose service he was last employed in local government service before he became employed in contributory service (hereinafter in this rule referred to as " the employing authority ") may, within three months after the date on which the employing authority is informed by the Minister that that person has notified the Minister that he desires this Part of these rules to apply to him, resolve that the whole or any part of his non-contributing service (if any) shall be reckonable as contributing service.

(2) Where the Act of 1937 or any local Act or any local Act scheme contains provisions conferring a discretion on the employing authority, in calculating any superannuation benefit to which a person might have become entitled on ceasing to be employed, to add a number of years to the number of years which the person had actually served in the aggregate, the employing authority may, in the case of a person to whom this Part of these rules applies, within three months after the date on which the employing authority is informed by the Minister that that person has notified the Minister that he desires this Part of these rules to apply to him, exercise that discretion in relation to him, notwithstanding that he has not become entitled to that benefit.

(3) Where a person to whom this Part of these rules applies was during his employment in local government service subject to the Act of 1937 and a scheme modifying that Act conferred a discretion on the employing authority to increase in respect of any period of service the rate for calculation of any benefit to which he might have become entitled on ceasing to be employed, and that period of service would but for the provisions of this paragraph be reckonable at a fraction of its actual length for the purpose of calculating the transfer value payable under rule 28 of these rules, the employing authority may, within three months after the date on which they are informed by the Minister that that person has notified the Minister that he desires this Part of these rules to apply to him, resolve that that period of service shall for that purpose be reckonable at its full length.

(4) For the purposes of rule 17 of these rules any period of a person's non-contributing service in respect of which a resolution has been passed under paragraph (1) of this rule and any number of years added to a person's service under paragraph (2) of this rule shall be deemed to be a period of service which is reckonable at the time of the person's ceasing to be employed in local government service as contributing service, or as service or a period of contribution for the purposes of a local Act scheme, as the case may be.

(5) Where the amount of any transfer value payable under rule 28 of these rules is increased in consequence of the exercise by the employing authority of any power conferred upon it by paragraph (1), (2) or (3) of this rule, the employing authority shall repay the amount of the said increase to the superannuation fund out of which the transfer value is payable.

24. Where a person to whom this Part of these rules applies ceases to be employed in contributory service or dies, then, in computing the sum to which he or his legal personal representatives shall be entitled under Section 12 of the Act of 1925, there shall be included a sum in respect of contributions paid or any additional contributory payments made by him in respect of service which by virtue of these rules has become reckonable as contributory service, and in computing the amount of the sum so included—

(*a*) as respects the period ending immediately before the date on which he became employed in contributory service, compound interest shall be

calculated in the manner in which it would have been calculated if he had received a return of contributions immediately before that date; and

(*b*) as respects the period beginning with that date, compound interest shall be calculated in accordance with the provisions of Section 12 of the Act of 1925.

25.—(1) The modifications for which the Teachers Modification Regulations provide shall not apply to any person to whom this Part of these rules applies if the modifications for which the Local Government Modification Regulations provide did not apply in his case at the date when he last ceased to be employed in local government service unless he has elected for modification under the provisions of regulation 7 of the Teachers Modification Regulations.

(2) The Teachers Modification Regulations shall apply to any other person to whom this Part of these rules applies as if any service which he becomes entitled to reckon as contributory service under rule 17 (1) of these rules, being service of which account would have been taken under the Local Government Modification Regulations for the purpose of reducing any benefit to which the person might have become entitled under the Act of 1937 or the local Act scheme had he continued to be subject thereto, were contributory service in respect of which he was subject to the provisions of the Teachers Modification Regulations relating to new entrants, provided that if the Local Government Modification Regulations modified any benefit to which he might have become entitled under the Act of 1937 or the local Act scheme by reference to a Table and to his age at a given date, the Teachers Modification Regulations shall apply to him as they apply to an existing teacher within the meaning of those Regulations except that the reference to his age at a given date shall be construed as a reference to his age at the date which was relevant for the purposes of the Local Government Modification Regulations.

26. For the purposes of Section 3 (1) (*c*) of the Act of 1925 as amended by Section 8 of the Act, any date on which a person to whom this Part of these rules applies became employed in local government service shall be deemed to be a date on which he became employed in contributory service.

27. The provisions of Section 2 (1) (*a*) (iv) of the Act of 1925 which prevent the Minister from determining certain service as recognised service unless the teacher in question has been employed in some other form of recognised or contributory service for not less than ten years shall be read as if the reference to "contributory service" did not include local government service which becomes reckonable as contibutory service by virtue of this Part of these rules.

28.—(1) As respects a person to whom this Part of these rules applies—

(*a*) there shall be paid to the Minister out of the fund to which the person was last a contributor before becoming employed in contributory service by the authority maintaining that fund a transfer value of an amount ascertained in accordance with the provisions of Part I of the Schedule to these rules; and

(*b*) if the person is such a person as is mentioned in Part II of that Schedule there shall be made by the authorities therein mentioned such payments as are therein specified.

(2) All sums received by the Minister under these rules whether by way of transfer value or otherwise shall be paid into the Exchequer.

PART IV

Treatment of Local Government Service as Approved External Service

29.—(1) The pensionable local government service of a person may, if the Minister thinks fit, be treated as approved external service for the purposes of Section 13 of the Act of 1925 and paragraphs (*c*), (*d*) (ii) and (*e*) of subsection (2) of that Section shall apply to such service as they apply to the categories of approved external service therein mentioned—

(*a*) if that person is a person to whom Part II of these rules applies and has been employed in contributory service under a scheme made under Section 21 (1) (*a*) of the Act of 1925 at any time before becoming employed in local government service, in which case his service so treated as approved external service shall include his recognised or contributory service in respect of which a transfer value is paid by the Minister under rule 16 of these rules ; or

(*b*) if that person is a person to whom Part II of these rules does not apply, whether by reason of the fact that he has not given notice to the local authority in accordance with rule 3 (4) (*a*) or otherwise, but has been employed in recognised or contributory service whether under a scheme as aforesaid or otherwise at any time before becoming employed in local government service:

Provided that service which is so treated as approved external service shall not be deemed to be—

(*a*) contributory service for the purpose of the proviso to Section 12 (2) of the Act of 1925 ; or

(*b*) recognised or contributory service for the purpose of calculating average salary of a teacher under the provisions of Section 10 (2) of the Act of 1925.

(2) Nothing in the foregoing provisions of this rule shall render any pension payable in respect of any period before the date of the coming into operation of these rules.

SCHEDULE

Payments to be made under rule 28

PART I

The transfer value payable under paragraph (*a*) of rule 28 (1) of these rules in respect of any such person as is mentioned in that rule shall be an amount equal to the transfer value that would have been payable under the Regulations of 1939 had that person at the date when he became employed in contributory service ceased to be a contributory employee or local Act contributor under one local authority and been entitled to reckon such service as is reckonable under rule 17 of these rules and become such an employee or contributor under another local authority, less an amount equal to any sum which the trustees of the fund may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value:

Provided that—

(*a*) the transfer value payable in respect of a person who ceased to be employed in local government service more than twelve months before the date of the coming into operation of these rules shall be calculated by reference to his age at that date ; and

(*b*) the transfer value shall be calculated as if the words " other than such service as is mentioned in proviso (*a*) to that subsection " had been omitted from the definition of " service " in paragraph 1 of the First Schedule to

the Regulations of 1939, and as if there had been no reference in that definition to a person who had been an established officer or servant within the meaning of the Act of 1909;

(*c*) the transfer value shall be reduced by any sum paid or payable to the Minister under the provisions of rule 19 or rule 21 of these rules.

PART II

1. If such a person as is mentioned in rule 28 of these rules has before becoming a contributory employee or local Act contributor been an established officer or servant within the meaning of the Act of 1909 to whom any regulations for the time being in force under Part V of the Second Schedule to the Act of 1937 had been applicable, the following provisions shall have effect.

2. If the body by whom the person was last employed while subject to the Act of 1909 would, if he had become entitled to a superannuation allowance on ceasing to be employed in local government service have been liable to contribute to that allowance, that body or the appropriate authority in relation to that body (as defined in paragraph (9) of regulation 47 of the Regulations of 1947) shall make a payment to the authority maintaining the fund to which the person was last a contributor of an amount equal to the transfer value which that body or the appropriate authority would have been liable to pay to the Minister of Health under paragraph (3) of that regulation, if those Regulations had become applicable to the officer on the date when he became employed in contributory service.

3. Where the body mentioned in the last preceding paragraph would in the circumstances therein mentioned have had, in respect of any such contribution to a superannuation allowance as is therein mentioned, a right of contribution from any other body, that other body or the appropriate authority in relation to that other body defined as aforesaid shall make a payment to the authority maintaining the fund to which the person was last a contributor of an amount equal to the transfer value which that other body or the appropriate authority would have been liable to pay to the Minister of Health under paragraph (4) of regulation 47 of the Regulations of 1947 if those Regulations had become applicable to that person on the date when he became employed in contributory service.

Given under the Official Seal of the Minister of Education this third day of July, 1950.

(L.S.) *Geo. Tomlinson,*
Minister of Education.

Given under the Official Seal of the Minister of Health this third day of July, 1950.

(L.S.) *Aneurin Bevan,*
Minister of Health.

EXPLANATORY NOTE

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

The main purpose of these rules is to preserve the superannuation rights of persons who transfer from pensionable service under local government superannuation schemes to pensionable service under the Teachers Superannuation Acts, or vice versa, by appropriate transfer value payments as between the Minister of Education and the local government superannuation

fund. The rules also provide for cases where the teaching service is pensionable under Schemes made for Independent Schools under Section 21 (1) (*a*) of the Teachers (Superannuation) Act, 1925.

Where the rules are retrospective in effect, such retrospection is covered by the provisions of Section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948, subject to the right in such cases of the transferees or local authorities to elect that the rules shall not apply.

The Superannuation (Transfers between the Civil Service and Local Government) Rules, 1950

1950 No. 145

Made - - - -	27*th January*, 1950
Laid before Parliament	28*th January*, 1950
Coming into Operation	30*th January*, 1950

The Lords Commissioners of His Majesty's Treasury, the Minister of Health and the Secretary of State in exercise of the powers conferred on 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 jointly make the following rules:

PART I

General

1.—(1) These rules may be cited as the Superannuation (Transfers between the Civil Service and Local Government) Rules, 1950.

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

(3) These rules shall come into force on the 30th day of January, 1950.

2.—(1) In these rules, unless the context otherwise requires—

(*a*) the following expressions have the meanings hereby respectively assigned to them—

"the Act" means the Superannuation (Miscellaneous Provisions) Act, 1948;

"the Act of 1937" means the Local Government Superannuation Act, 1937(**c**);

"the Scottish Act of 1937" means the Local Government Superannuation (Scotland) Act, 1937(**d**);

"local government service" means service in—

(i) employment by virtue of which the person employed is or is deemed to be a contributory employee or local Act contributor within the meaning of the Act of 1937 or the Scottish Act of 1937; or

(ii) employment (not being such employment as is specified in sub-paragraph (i) hereof) by virtue of which the person employed is entitled to participate in any of the benefits of a superannuation fund maintained under a local Act scheme in England or Wales;

(**a**) 11 & 12 Geo. 6. c. 33.
(**b**) 52 & 53 Vict. c. 63.
(**c**) 1 Edw. 8 & 1 Geo. 6. c. 68.
(**d**) 1 Edw. 8 & 1 Geo. 6. c. 69.