STATUTORY INSTRUMENTS

1970 No. 863

PENSIONS

The Superannuation (Teaching and Northern Ireland Civil Service) Interchange Rules 1970

Made - - - 3*rd June* 1970

* *To be laid before Parliament*

Coming into Operation 10*th July* 1970

The Secretary of State for Education and Science, with the consent of the Minister for the Civil Service, in exercise of the powers conferred on him by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(**a**), as amended by section 11 of the Superannuation (Miscellaneous Provisions) Act 1967(**b**) and the Minister for the Civil Service Order 1968(**c**), hereby makes the following Rules :—

PART I

GENERAL

Citation and Commencement

1. These Rules may be cited as the Superannuation (Teaching and Northern Ireland Civil Service) Interchange Rules 1970 and shall come into operation on 10th July 1970.

Revocation

2.—(1) The Superannuation (Teaching and Northern Ireland Civil Service) Interchange Rules 1962(**d**) are hereby revoked :

Provided that the Rules hereby revoked shall continue to apply in relation to any person who, before the beginning of April 1967, became employed in contributory service or as a civil servant within the meaning of those Rules in like manner as they would have applied if these Rules had not been made.

(2) Section 38(2) of the Interpretation Act 1889(**e**) (which relates to the effect of repeals) shall have effect in relation to the Rules revoked by this rule as if they were an enactment repealed by an Act.

Interpretation

3.—(1) In these Rules, unless the context otherwise requires—

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

"the Superannuation Acts" means the Superannuation Acts (Northern Ireland) 1967 and 1969(**f**) ;

---

* This instrument was laid before Parliament on 3rd July 1970.

(**a**) 1948 c. 33.
(**b**) 1967 c. 28.
(**c**) S.I. 1968/1656 (1968 III, p. 4485).
(**d**) S.I. 1962/538 (1962 I, p. 510).
(**e**) 1889 c. 63.
(**f**) 1967 c. 24 (N.I.); 1969 c. 7 (N.I.).

"civil servant" means a person serving in an established capacity in the permanent civil service of Northern Ireland ;

"contributing service" and "contributory employee" have the same respective meanings as in the Local Government Superannuation Acts 1937 to 1953(**a**) ;

"the Ministry of Finance" means the Ministry of Finance for Northern Ireland ;

"national service", in relation to any person, means service which is relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**b**) ; and any similar service immediately following relevant service entered into with the consent of the body or person by whom he was last employed before undertaking the service ;

"pension" has the meaning assigned to it by the Act ;

"prescribed period" has the meaning assigned to it by rule 4 ;

"reckonable service" means reckonable service within the meaning of the Teachers' Superannuation Act 1967(**c**) ;

"the Secretary of State" means the Secretary of State for Education and Science ;

"the Teachers' Regulations" means the Teachers' Superannuation Regulations 1967 to 1970(**d**) ; and "the principal Teachers' Regulations" means the Teachers' Superannuation Regulations 1967(**e**) ;

"teaching service" means—

(*a*) reckonable service ; and

(*b*) service which for the purposes of the Teachers' Regulations is service as an organiser, a teacher in an admitted school, a services civilian teacher, a services education officer or a part-time teacher ;

"the Transfer Value Regulations" means the Local Government Superannuation (Transfer Value) Regulations 1954(**f**) ;

"voluntary contributions" means additional contributions being paid under section 19 of the Teachers (Superannuation) Act 1956(**g**) or regulation 32 of the principal Teachers' Regulations in respect of a period of previous employment and any contributions being paid as a condition of any other period (not being a period of war service or national service) being reckoned as teaching service.

(2) Any reference in these Rules to the provisions of any enactment, rules, regulations or other instrument shall, unless the context otherwise requires, be construed as a reference to those provisions as amended, modified, affected or re-enacted by any subsequent enactment, rules, regulations or instrument.

(3) References in these Rules to a rule or to a Part shall, unless the context otherwise requires, be construed as references to a rule or to a Part of these Rules, as the case may be.

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

(a) 1937 c. 68; 1939 c. 18; 1953 c. 25. **(b)** 1951 c. 65.

(c) 1967 c. 12.

(d) S.I. 1967/489, 948, 1286, 1968/1353, 1969/80, 1970/10, 753 (1967 I, p. 1562; II, p. 2904; II, p. 3721, 1968 II, p. 3753; 1969 I, p. 241; 1970 I, p.11; II, p. 2394).

(e) S.I. 1967/489 (1967 I, p. 1562). **(f)** S.I. 1954/1212 (1954 II, p. 1723).

(g) 1956 c. 53.

Prescribed Period

4.—(1) For the purposes of these Rules, subject as hereafter in this rule provided, the expression "prescribed period" shall mean—

(*a*) in the case of a person who, immediately after ceasing to be employed in teaching service or to be a civil servant became engaged in national service, a period of six months after the date of termination of the national service ; and

(*b*) in the case of any other person, a period of twelve months after the date on which he ceased to be employed in teaching service or to be a civil servant.

(2) The Secretary of State in the case of a person entering teaching service and the Ministry of Finance in the case of a person becoming a civil servant may, with the agreement of the other, in any particular case extend any period specified in paragraph (1) above.

(3) In reckoning the periods of six months and twelve months specified in paragraph (1) above in the case of a person who in his new employment is in teaching service no account shall be taken of any period spent by him on a course of study or training after ceasing to be a civil servant if—

(*a*) his undertaking the said course was approved by the Ministry of Finance ; and

(*b*) the Secretary of State is satisfied that by reason of his having undertaken the said course he is better fitted for the duties of his new employment.

PART II

TRANSFER FROM TEACHING SERVICE TO CIVIL SERVICE

Application

5.—(1) Subject as in paragraph (3) below provided, this Part shall apply to a person who—

(*a*) within the prescribed period after ceasing to be employed in teaching service becomes, or since the beginning of April 1967 has become, a civil servant ; and

(*b*) within three months after becoming a civil servant or within such longer period as the Ministry of Finance with the agreement of the Secretary of State may in any particular case allow—

(i) notifies the Ministry of Finance in writing that he desires this Part to apply to him and furnishes that Ministry with particulars in writing of his teaching service ; and

(ii) pays to the Secretary of State an amount determined in accordance with paragraph (2) below.

(2) The amount to be paid by a person to the Secretary of State under paragraph (1)(*b*)(ii) above shall be the aggregate of—

(*a*) any sum paid to him after he last ceased to be employed in teaching service by way of return of contributions (other than voluntary contributions and contributions made or deemed to be made for the purpose of securing benefits for a widow, children or other dependants), together with any interest included therein ;

(*b*) any sum deducted from such payment as aforesaid in respect of liability to income tax arising by reason of its payment ; and

(*c*) compound interest on the sums specified in sub-paragraphs (*a*) and (*b*) above calculated at the rate of three and a half per cent. per annum with yearly rests from the date of the payment to him to the date of the payment by him to the Secretary of State.

(3) This Part shall not apply to a person who has received payment of any pension (other than repayment of contributions) under the Teachers (Superannuation) Acts 1918 to 1956 or the Teachers' Regulations.

Transfer Value

6.—(1) In respect of a person to whom this Part applies the Secretary of State shall, out of moneys provided by Parliament, pay to the Ministry of Finance a transfer value of an amount calculated in accordance with the following provisions of this rule.

(2) Subject as hereafter in this rule provided, the transfer value shall be an amount equal to the transfer value which would have been payable under the Transfer Value Regulations if the person, at the date when he ceased to be employed in teaching service, had ceased to be a contributory employee under one local authority and had become such an employee under another local authority and had been entitled to reckon as contributing service his reckonable service and his service reckonable for the purposes of Parts VII, IX and X of the principal Teachers' Regulations at the length at which it is so reckonable.

(3) For the purposes of paragraph (2) above service which is reckoned as contributing service shall be deemed to have been affected or modified in accordance with regulations applicable to contributing service made under Section 110 of the National Insurance Act 1965(**a**), or under any provision corresponding thereto contained in an enactment repealed by that Act, in like manner and to the like extent, as nearly as may be, as it was affected or modified by other such regulations.

(4) In calculating the amount of a transfer value there shall be excluded—

(*a*) any period of war service within the meaning of the Teachers' Superannuation (War Service) Act 1939(**b**) and of national service within the meaning of the Teachers Superannuation (National Service) Rules 1949(**c**) in respect of which, at the time the transfer value is paid, the contributions remain unpaid ; and

(*b*) any period of previous employment and any period additional to actual service in respect of which the person was immediately before ceasing to be employed in teaching service paying voluntary contributions and in respect of which, at the time the transfer value is paid, contributions are not payable to the Ministry of Finance under rules made by that Ministry ;

(5) The amount of the transfer value shall, in lieu of being reduced in accordance with the proviso to paragraph 2 of the First Schedule to the Transfer Value Regulations, be reduced by—

(*a*) an amount equal to any sum which remained to be paid by him on his ceasing to be employed in teaching service towards the discharge of a fixed sum as a condition of any period of service being reckoned for the purposes of the Teachers' Regulations ;

(**a**) 1965 c. 51. (**b**) 1939 c. 95. (**c**) S.I. 1949/468 (1949 I, p. 1533).

(*b*) an amount equal to the capital value of any voluntary contributions which on his ceasing to be employed in teaching service remained to be paid by him in respect of any period not excluded from the calculation of the amount of the transfer value by paragraph (4)(*b*) above; and

(*c*) an amount equal to any sum payable by the Secretary of State by way of income tax by reason of the payment.

(6) In respect of a person who became a civil servant more than twelve months after ceasing to be employed in teaching service or more than six months after ceasing to be engaged in national service, the transfer value shall be calculated by reference to his age on the date on which he became a civil servant.

Benefits under Teachers' Regulations

7. Subject to the provisions of Part III and any provisions similar thereto contained in other rules made under the Act, no payment of any pension shall be made under the Teachers' Regulations to or in respect of any person in respect of any service which is taken into account in calculating the amount of a transfer value under rule 6.

PART III

TRANSFER FROM CIVIL SERVICE TO TEACHING SERVICE

Application

8.—(1) Subject as in paragraph (2) below provided, this Part shall apply to a person who—

(*a*) within the prescribed period after ceasing to be a civil servant becomes, or since the beginning of April 1967 has become, employed in teaching service with the consent of the Department in which he was last employed as a civil servant;

(*b*) within three months after becoming employed in teaching service or within such longer period as the Secretary of State with the agreement of the Ministry of Finance may in any particular case allow, notifies the Secretary of State in writing that he desires this Part to apply to him and furnishes the Secretary of State with particulars in writing of his service as a civil servant; and

(*c*) is a person in respect of whom the Secretary of State receives from the Ministry of Finance a transfer value of an amount calculated in accordance with the provisions of rule 9.

(2) This Part shall not apply to a person who has received payment of any pension under the Superannuation Acts.

Transfer Value

9.—(1) Subject as hereafter in this rule provided, the transfer value receivable by the Secretary of State from the Ministry of Finance in respect of a person to whom this Part applies shall be an amount equal to the transfer value which would have been payable under the Transfer Value Regulations if the person, at the date when he ceased to be a civil servant or ceased to be engaged in national service, as the case may be, had ceased to be a contributory employee under one local authority and had become such an

employee under another local authority and had been entitled to reckon his service reckonable for the purposes of the Superannuation Acts as contributing service.

(2) For the purposes of paragraph (1) above, service reckonable for the purposes of the Superannuation Acts which is to be reckoned as contributing service shall be deemed to have been affected or modified in accordance with regulations applicable to contributing service made under section 110 of the National Insurance Act 1965, or under any provision corresponding thereto contained in an enactment repealed by that Act, in like manner and to the like extent, as nearly as may be, as it was affected or modified in accordance with regulations made under section 103 of the National Insurance Act (Northern Ireland) 1966(**a**), or under any provision corresponding thereto contained in an enactment repealed by that Act.

(3) In respect of a person who became employed in teaching service more than twelve months after ceasing to be a civil servant or more than six months after ceasing to be engaged in national service, the transfer value shall be calculated by reference to his age on the date on which he became employed in teaching service.

(4) The transfer value shall be reduced by an amount equal to any sum which the Ministry of Finance is liable to pay by way of income tax by reason of its payment.

Reckoning of Service

10.—(1) In respect of a person to whom this Part applies there shall be reckoned as reckonable service—

(*a*) the period of service which under rule 9 is reckoned as contributing service for the purpose of calculating the amount of the transfer value payable in respect of him ; and

(*b*) any period in respect of which he was, at the time he ceased to be a civil servant, in course of making payments as a condition of his service reckonable for the purposes of the Superannuation Acts being increased by its addition thereto if—

(i) within three months of becoming employed in teaching service or within such longer period as the Secretary of State may in any particular case allow he elects to pay to the Secretary of State sums equal to the aforesaid payments and thereafter pays such sums at the times at which they would have been payable if he had continued to be a civil servant ; and

(ii) the transfer value paid in respect of him is calculated so as to include the liability of which the Ministry of Finance is relieved in respect of that period, reduced by the value of the payments he would have been liable to make if he had continued to be a civil servant.

(2) In relation to any period to which paragraph (1)(*b*) above applies:—

(*a*) the provisions of paragraphs (5)(*b*), (6), (7), (8) and (12) of regulation 32 and of regulation 38 of the principal Teachers' Regulations shall apply to the sums payable to the Secretary of State under that sub-paragraph as if those sums were additional contributions payable in respect of previous employment within the meaning of those Regulations ; and

(**a**) 1966 c. 6 (N.I.).

(*b*) if no election to pay those sums is made or if they are repaid under regulation 38 of the principal Teachers' Regulations, the period shall be reckoned for the purposes of those Regulations only to the extent if any, to which it would have been so reckoned if no payments had been made in respect thereof.

(3) Any period of service of a person to whom this Part applies which under the Superannuation Acts was at the time he ceased to be a civil servant reckonable only for the purpose of calculating the amount of any pension payable to or in respect of him or only for the purpose of determining whether he was entitled to any pension shall be reckoned only for the corresponding like purpose under the Teachers' Regulations.

Return of Contributions

11.—(1) Where a person to whom this Part applies ceases to be employed in teaching service or dies, then, to any sum to which he or his personal representatives shall be entitled under the Teachers' Regulations by way of repayment of contributions there shall be added the following sums :—

(*a*) a sum equal to the amount of any contributions paid by him in respect of service which by virtue of this Part is reckoned as reckonable service ;

(*b*) a sum equal to the amount of any voluntary contributions paid by him before becoming employed in teaching service which have not been returned to him ; and

(*c*) compound interest on the foregoing sums calculated in accordance with paragraph (2) below.

(2) For the purposes of paragraph (1) above compound interest shall be calculated—

(*a*) as respects the period ending immediately before the date on which the person became employed in teaching service, in the manner in which such interest, if any, would have been calculated if the occasion for making the calculation had occurred immediately before that date and

(*b*) as respects the period beginning with that date, in accordance with the provisions of Part IV of the principal Teachers' Regulations.

Commencement of Employment

12. For the purposes of regulation 41(1)(*a*)(ii) of the principal Teachers' Regulations the date on which a person to whom this Part applies became a civil servant shall be deemed to be a date on which he became employed in teaching service.

Modification of Contributions and Benefits by reason of National Insurance

13.—(1) In relation to a person to whom this Part applies—

(*a*) the following paragraphs of Schedule 5 to the principal Teachers' Regulations, that is to say—

paragraph 2 (which provides for the reduction of contributions),

paragraph 4 (which provides for the reduction of pensions by fixed annual amounts specified therein) and

paragraph 5 (which provides for the reduction of pensions by annual amounts ascertained by reference to a table and age at a given date)

shall not apply if, on the date on which he ceased to be a civil servant, the National Insurance (Modification of the Superannuation Acts) Regulations (Northern Ireland) 1948(a) did not apply to him; and

(*b*) paragraphs 2 and 4 of the said Schedule 5 shall apply if, on the date on which he ceased to be a civil servant, the last mentioned Regulations applied to him.

Given under the Official Seal of the Secretary of State for Education and Science on 28th May 1970.

(L.S.)

Edward Short,
Secretary of State for Education and Science.

Consent of the Minister for the Civil Service given under his Official Seal on 3rd June 1970.

(L.S.)

K. H. McNeill,
Authorised by the Minister for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules continue, with minor alterations, the arrangements made by earlier Rules for the preservation of superannuation rights upon changes of employment between teaching in England and Wales and the Civil Service of Northern Ireland.

In accordance with Section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948 the Rules have effect retrospectively to 1st April 1967.

(a) S. R. & O. (N.I.) 1948, No. 91.

SI 1970/ 863
ISBN 0-11-000863-4

