STATUTORY INSTRUMENTS

1971 No. 1380

PENSIONS

The Superannuation (Teaching and Police) Interchange Rules 1971

Made - - -	*17th August* 1971
Laid before Parliament	*27th August* 1971
Coming into Operation	*31st August* 1971

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 her 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 as read with the Minister for the Civil Service Order 1968(c), hereby makes the following Rules :—

PART I

GENERAL

1. These Rules may be cited as the Superannuation (Teaching and Police) Interchange Rules 1971 and shall come into operation on 31st August 1971.

Interpretation

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

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

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

"operative date" means the date of the coming into operation of these Rules ;

"pension" has the meaning assigned to it by the Act of 1948 ;

"police authority" means—

(*a*) in relation to a person who has become or becomes a policeman after ceasing to be employed in teaching service, the authority which on the day on which these Rules become applicable to him is for the purposes of the Police Pensions Regulations the police authority in relation to him ; and

(a) 1948 c. 33. (b) 1967 c. 28.
(c) S.I. 1968/1656 (1968 III, p. 4485). (d) 1951 c. 65.

(*b*) in relation to a person who has become or becomes employed in teaching service after ceasing to be a policeman, the authority which last was or is treated for the purposes of the Police Pensions Regulations as the police authority in relation to him ;

"policeman" means a regular policeman within the meaning of the Police Pensions Regulations ;

"Police Pensions Regulations" means the Police Pensions Regulations 1971(**a**) ;

"prescribed period" has the meaning assigned to it by rule 3 ;

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

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

"the Teachers' Regulations" means the Teachers' Superannuation Regulations 1967 to 1971 ; and "the principal Teachers' Regulations" means the Teachers' Superannuation Regulations 1967(**c**) ;

"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(**d**) ;

"voluntary contributions" means—

(*a*) in relation to employment in teaching service, additional contributions being paid under section 19 of the Teachers (Superannuation) Act 1956(**e**) or regulation 32 of the principal Teachers' Regulations in respect of a period of previous employment within the meaning of those provisions and any other contributions being paid by virtue of other rules made under section 2 of the Act as a condition of—

(i) making reckonable a period of service not otherwise reckonable;

(ii) increasing the length at which a period of service would otherwise be reckonable ; or

(iii) service being increased by the addition thereto of a period ; and

(*b*) in relation to service as a policeman, sums being paid in accordance with Schedule 5 to the Police Pensions Regulations.

(2) Other expressions which have meanings assigned to them by the Teachers' Regulations or the Police Pensions Regulations shall, unless the context otherwise requires, have the same respective meanings for the purposes of these Rules.

(3) Any reference in these Rules to any enactment, rules, regulations or other instrument or to provisions thereof shall, unless the context otherwise requires, be construed as a reference to such enactment, rules, regulations or other instrument or to those provisions as amended, modified, extended, applied, or re-placed by any subsequent enactment, rules, regulations or instrument.

(**a**) S.I. 1971/232 (1971 I, p. 700). (**b**) 1967 c. 12.
(**c**) S.I. 1967/489 (1967 I, p. 1562).
(**d**) S.I. 1954/1212 (1954 II, p. 1723). (**e**) 1956 c. 53.

(4) Any reference in these Rules to a rule, Part or paragraph shall, unless the context otherwise requires, be construed as a reference to that rule or Part of these Rules or to that paragraph of the rule in which the reference occurs, as the case may be.

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

Prescribed Period

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

(2) The Secretary of State in the case of a person becoming employed in teaching service and the police authority in the case of a person becoming a policeman may, with the agreement of the other, in any particular case extend the period of twelve months specified in paragraph (1).

(3) In the case of a person who in his new employment is in teaching service—

(*a*) the period of twelve months specified in paragraph (1) shall be deemed not to expire until six months after the termination of national service in which he became engaged immediately after ceasing to be a policeman ; and

(*b*) no account shall be taken of any period spent by him on a course of study or training undertaken after ceasing to be a policeman if—

(i) before so ceasing (or, if between so ceasing and undertaking the said course he was engaged in national service, before the termination of that service) he gave notice in writing to the police authority of his intention to undertake the said course ; and

(ii) the Secretary of State is satisfied that by reason of his having undertaken the said course he is better fitted for employment in teaching service.

PART II

TRANSFER FROM TEACHING SERVICE TO POLICE SERVICE

Application

4. Except as hereinafter provided, this Part shall apply to a person who—

(*a*) becomes, or before the operative date became, a policeman within the prescribed period after ceasing to be employed in teaching service ;

(*b*) within three months after becoming a policeman or within six months after the operative date, whichever period shall last expire, or within such longer period as the police authority may with the agreement of the Secretary of State in any particular case allow, gives notice in writing to the police authority that he desires this Part to apply to him and furnishes that authority with particulars in writing of his teaching service and of any national service in which he was engaged after ceasing to be employed in teaching service ; and

(a) 1889 c. 63.

(*c*) pays to the police authority in accordance with regulation 55(1)(*e*) of the Police Pensions Regulations a sum equal to the amount, if any, by which the transfer value payable in respect of him under rule 6 falls to be reduced on account of any sum paid to him by way of repayment of contributions.

Excepted Cases

5. This Part shall not apply to a person who—

(*a*) has received payment of any pension (other than repayment of contributions) under the Teachers (Superannuation) Acts 1918 to 1956 or the Teachers' Regulations; or

(*b*) last ceased to be employed in teaching service before the operative date, unless—

(i) he is a policeman on the operative date or becomes a policeman after that date and within the prescribed period; and

(ii) the Secretary of State and the police authority agree that this Part shall apply to him.

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 police authority 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 amount of the transfer value shall be an amount equal to that 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 Part 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) 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**) 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 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, he has not elected to continue to pay such contributions.

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

(5) The amount of transfer value payable in respect of a person shall be calculated by reference to his age—

(*a*) on the operative date if, having ceased to be employed in teaching service more than twelve months before that date, he became a policeman before that date; or

(*b*) on the date on which he became a policeman if that date is on or after the operative date and more than twelve months after that on which he ceased to be employed in teaching service.

(6) In a case in which the prescribed period exceeds one year the amount of the transfer value payable in respect of any person shall be reduced by an amount equal to the compound interest calculated as in paragraph (7) provided on any sum (including any sum deducted therefrom by reason of liability to income tax arising on its payment) paid to him after he last ceased to be employed in teaching service by way of repayment of contributions (other than voluntary contributions and contributions made for the purpose of securing benefits for his widow, children or other dependants).

(7) For the purposes of paragraph (6)—

(*a*) compound interest shall be calculated on the sum therein mentioned at three per cent. per annum with half-yearly rests from the day one year after that on which the person ceased to be employed in teaching service or from the day on which contributions were repaid to him, whichever shall be the later, to the day on which he gave notice to the police authority in accordance with Rule 4(*b*); and

(*b*) if the amount of compound interest calculated as aforesaid exceeds a sum equal to one-half of the difference between the amount of the transfer value payable under this rule apart from paragraph (6) and the amount of the transfer value which would have been so payable if calculated by reference to the person's age on ceasing to be employed in teaching service, it shall be reduced to that sum.

Benefits under the Teachers' Regulations

7.—(1) Subject to the provisions of Part III and of interchange rules 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 other than a payment by way of return of voluntary contributions.

(2) In this rule "interchange rules" means rules made under section 2 of the Act of 1948 and includes provisions similar to those of such rules contained in any instrument made under any other Act.

PART III

TRANSFER FROM POLICE SERVICE TO TEACHING SERVICE

Application

8.—(1) Except as hereinafter provided, this Part shall apply to a person who—

(*a*) becomes, or before the operative date became, employed in teaching service within the prescribed period after ceasing to be a policeman;

(*b*) within three months after becoming employed in teaching service or within six months after the operative date, whichever period shall last expire, or within such longer period as the Secretary of State may with the agreement of the police authority in any particular case allow, gives notice in writing to the Secretary of State that he desires this Part to apply to him and furnishes the Secretary of State with particulars in writing of his service which is pensionable service for the purposes of the Police Pensions Regulations and of any national service in which he was engaged after ceasing to be a policeman ;

(*c*) is a person in respect of whom the Secretary of State receives from the police authority a transfer value calculated in accordance with Schedule 9 to the Police Pensions Regulations ; and

(*d*) within three months after becoming employed in teaching service or within six months after the operative date, whichever period shall last expire, or within such longer period as the Secretary of State may in any particular case allow, pays to the Secretary of State a sum equal to the amount, if any, by which the said transfer value falls to be reduced under paragraph 5 of the said Schedule 9.

Excepted Cases

9. This Part shall not apply to a person who last ceased to be a policeman before the operative date unless he is employed on that date in teaching service or the Secretary of State agrees that this Part shall apply to him.

Reckoning of Service

10.—(1) Subject as in paragraph (2) and rule 11 provided, the pensionable service reckonable for the purposes of the Police Pensions Regulations by a person to whom this Part applies immediately before he ceased to be a policeman, increased by one-third, shall be reckoned as reckonable service.

(2) For the purposes of this rule pensionable service reckonable for the purposes of the Police Pensions Regulations shall not include service so reckonable by reason of the payment of voluntary contributions or an undertaking to pay such contributions.

Average Salary

11. For the purpose of calculating under section 4(3) of the Teachers' Superannuation Act 1967 the average salary of a person to whom this Part applies whose teaching service after ceasing to be a policeman amounts to less than three years—

(*a*) such period immediately prior to his ceasing to be a policeman as, together with the period of teaching service, amounts to three years shall be reckoned as teaching service ; and

(*b*) his salary during any period so reckoned shall be his pensionable pay within the meaning of the Police Pensions Regulations for that period.

Voluntary Contributions

12.—(1) A person to whom this Part applies may, 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, elect to continue to pay voluntary contributions being paid by him immediately before ceasing to be a policeman.

(2) In relation to a person who elects as aforesaid and thereafter pays to the Secretary of State any amounts outstanding in respect of such voluntary contributions at the time at which they would have been payable if he had remained a policeman rule 10 shall have effect as if paragraph (2) thereof were omitted.

(3) 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 voluntary contributions payable under this rule as if they were additional contributions payable in respect of previous employment within the meaning of those Regulations.

(4) If a person does not elect as aforesaid or if voluntary contributions are repaid to him under regulation 38 of the principal Teachers' Regulations as applied by this rule—

(*a*) the period to which such contributions related shall be reckoned for the purposes of the Teachers' Regulations only to the extent, if any, to which it would have been so reckoned if no such contributions had been made in respect thereof ; and

(*b*) the Secretary of State shall repay to the police authority the amount by which the transfer value paid in respect of him was under the Police Pensions Regulations enhanced by reason of the payment by him when a policeman of such contributions.

Commencement of Employment

13. 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 policeman shall be deemed to be a date on which he became employed in teaching service.

Return of Contributions

14.—(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—

(*a*) if pension contributions under the Police Pensions Regulations were related to either 5 per cent. or 4·5 per cent. of pensionable pay, a sum equal to the amount of the aggregate contributions within the meaning of those Regulations ; or

(*b*) if pension contributions under the Police Pensions Regulations were related to 6·25 per cent. of pensionable pay, a sum equal to the amount of the aggregate contributions within the meaning of those Regulations which he would have paid had he paid pension contributions related to 5 per cent. of pensionable pay.

(2) The sum to be added under paragraph (1) to that to which a person or his personal representatives shall be entitled shall be—

(*a*) reduced by a sum equal to any sum paid under Regulation 38 of the principal Teachers' Regulations as applied by rule 12 by way of repayment of voluntary contributions made while a policeman ; and

(*b*) increased by compound interest on the amount thereof after any such reduction as aforesaid.

(3) For the purposes of paragraph (2) compound interest shall be calculated in accordance with the provisions of Part IV of the principal Teachers' Regulations from the date on which the person became employed in teaching service.

Modification of Contributions and Benefits by reason of National Insurance

15.—(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 in accordance with a table contained therein specifying ages at a given date and annual amounts)

shall not apply if any pension payable to him under the Police Pensions Regulations would not have been subject to any reduction by virtue of paragraph 1(2) of Part III of Schedule 2 to those Regulations;

(*b*) paragraphs 2 and 5 of the said Schedule 5 shall apply if any pension payable to him under the Police Pensions Regulations would have been subject to reduction under paragraph 1(3) of Part III of Schedule 2 to those Regulations; and

(*c*) paragraphs 2 and 4 of the said Schedule 5 shall apply in any other case.

(2) Where, by virtue of paragraph (1)(*b*), paragraph 5 of Schedule 5 to the principal Teachers' Regulations applies to a person the date of modification for the purposes of the latter paragraph shall be the date which was in relation to him the appropriate date within the meaning of paragraph 1(3) of Part III of Schedule 2 to the Police Pensions Regulations.

Given under the Official Seal of the Secretary of State for Education and Science on 16th August 1971.

(L.S.)

Margaret Thatcher,
Secretary of State for Education and Science.

Consent of the Minister for the Civil Service given under his Official Seal on 17th August 1971.

(L.S.)

J. E. Herbecq,
Authorised by the Minister for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules relate to the superannuation of persons who transfer from service pensionable under the Teachers' Superannuation Regulations 1967 to 1971 to pensionable service as a policeman, or vice versa. A policeman becoming a teacher is enabled, if a transfer value is paid to the Secretary of State, to aggregate his service as a policeman (increased by one-third) with his later service as a teacher so that he will receive a single superannuation allowance based on his total service. In the case of a teacher becoming a policeman provision is made for the payment of a transfer value by the Secretary of State to the appropriate police authority so that a single pension may be paid under the Police Pensions Regulations 1971.

The Rules may have retrospective effect in certain cases under the express powers of, and subject to the safeguards required by, section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948.