STATUTORY INSTRUMENTS

1965 No. 1023

PENSIONS

The Superannuation (Teaching and Public Boards) Interchange Rules 1965

Made - - - -	22*nd April* 1965
Laid before Parliament	29*th April* 1965
Coming into Operation	30*th April* 1965

The Secretary of State for Education and Science, with the consent of the Treasury, in exercise of the powers conferred upon him by sections 2, 11 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(a) hereby makes the following Rules:—

PART I—GENERAL

Citation and Commencement

1. These Rules may be cited as the Superannuation (Teaching and Public Boards) Interchange Rules 1965 and shall come into operation on 30th April 1965.

Revocation

2.—(1) The Rules specified in Schedule 1 to these Rules are hereby revoked:

Provided that the Rules hereby revoked shall continue to apply in relation to any person who before the operative date became employed in contributory service or in public board employment within the meaning of the said 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(b) (which relates to the effect of repeals) shall have effect in relation to the Rules revoked by these Rules as if such Rules were enactments repealed by an Act.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 Act of 1925" means the Teachers (Superannuation) Act 1925(c);

"the Teachers Acts" means the Teachers (Superannuation) Acts 1918 to 1956;

(a) 11 & 12 Geo. 6. c. 33. (b) 52 & 53 Vict. c. 63. (c) 15 & 16 Geo. 5. c. 59.

" additional service " means any period (not being a period of war service or national service) which, in pursuance of the provisions of a pension scheme, may be added to actual service or employment and includes any period directed to be treated as contributory service under section 19 of the Teachers (Superannuation) Act 1956(a);

" contributing service " and " non-contributing service " have the same respective meanings as in the Local Government Superannuation Acts 1937 to 1953(b);

" contributory service " and " recognised service " have the same respective meanings as in the Teachers Acts, except that they do not include :—

(*a*) service which is treated as recognised or contributory service under section 13(2)(*g*) of the Act of 1925;

(*b*) service which, under the provisions of any scheme made under section 21(1)(*c*) of the Act of 1925, is treated in the same manner as service which is approved external service under section 13 of the Act of 1925;

(*c*) recognised or contributory service in respect of which the teacher in question has received a return of contributions under the Teachers Acts (not being a return of contributions after last ceasing to be employed in contributory service) which he has not subsequently repaid to the Secretary of State under the proviso to section 12(2) of the Act of 1925; and

(*d*) service which is treated as recognised service or contributory service merely for the purpose of determining whether the teacher in question has completed the period of service required by the Teachers Acts as necessary for any pension to be paid to or in respect of him or merely for that purpose and for the purpose of assessing his average salary under those Acts;

" national service " means, in relation to any person—

(*a*) service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c);

(*b*) service rendered by virtue of the Army Reserve Act 1962(d); and

(*c*) service immediately following any such service as aforesaid, being service in any of Her Majesty's naval, military or air forces, pursuant to a voluntary engagement 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 that expression by the Act;

" prescribed period " has the meaning assigned to that expression by rule 4 of these Rules;

" public board " means a body named in Schedule 2 to these Rules;

" public board employment " means employment in respect of which a public board pension scheme makes provision for pensions;

(a) 4 & 5 Eliz. 2. c. 53.
(b) 1 Edw. 8 & 1 Geo. 6. c. 68; 2 & 3 Geo. 6. c. 18; 1 & 2 Eliz. 2. c. 25.
(c) 14 & 15 Geo. 6. c. 65. (d) 10 & 11 Eliz. 2. c. 10.

" public board pension scheme " means a scheme by which provision is made for pensions for persons employed by a public board ;

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

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

" voluntary contributions " means payments being made by a person to whom these Rules apply immediately before he ceased to be employed in contributory service or ceased to be employed in public board employment, as the case may be, as a condition of—

(*a*) additional service being treated as pensionable employment ; or

(*b*) a period of service (other than additional service) being reckoned for the purpose of calculating benefits or being so reckoned at a value greater than that at which it would otherwise be reckonable.

(2) Other expressions to which meanings are assigned by any of the above-mentioned Acts shall, unless the context otherwise requires, have the same respective meanings for the purposes of these Rules.

(3) For the purposes of these Rules a person to whom a public board pension scheme applies shall be deemed to be employed by the public board for persons employed by which that scheme makes provision for pensions.

(4) References in these Rules to the provisions of any enactment, rules or regulations shall be construed, unless the context otherwise requires, as references to those provisions as amended, modified, affected, applied or re-enacted by any subsequent enactment, rules or regulations.

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

Prescribed Period

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

(*a*) in the case of a person who immediately after leaving his employment in contributory service or in public board employment 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 left his employment in contributory service or in public board employment :

Provided that the Secretary of State and the persons administering a public board pension scheme may in any particular case extend the said period of six months or twelve months, whichever is appropriate, if they are satisfied that by reason of illness or any unavoidable cause a person has been prevented from becoming employed in contributory service or in public board employment, as the case may be, within that period.

(2) Except as hereinafter provided—

(*a*) in reckoning the periods of six months or twelve months mentioned in paragraph (1) of this rule no account shall be taken of any period

(a) S.I. 1954/1212 (1954 II, p. 1723).

spent by a person on a course of study or training which he entered after leaving his former employment;

(*b*) if a person left his former employment in order to undertake a course of study or training and on completion of that course became engaged in national service, he shall be deemed for the purposes of paragraph (1) of this rule to have left his former employment at the time when he completed the said course of study or training.

(3) The provisions of paragraph (2) of this rule shall not apply—

(*a*) to a person to whose new employment a public board pension scheme applies unless the persons administering that scheme are satisfied that by reason of his having undertaken the said course of study or training he is better fitted for the duties of his new employment; or

(*b*) to a person who in his new employment is in contributory service unless—

(i) before leaving his former employment (or, if between leaving that employment and entering the said course of study or training he was engaged in national service, before the end of that service) he gave notice in writing to the persons administering the public board pension scheme formerly applicable to him of his intention to enter the said course of study or training; and

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

Equivalent Pension Rights

5. A transfer value shall not be paid or received by the Secretary of State under these Rules in respect of a person transferring to or from public board employment unless the Secretary of State is satisfied that that person's pension rights in respect of that employment are, or will be, at least substantially equivalent to those in respect of contributory service.

PART II—TRANSFER FROM CONTRIBUTORY SERVICE TO PUBLIC BOARD EMPLOYMENT

Application of Part II

6. Except as in these Rules provided this Part of these Rules shall apply—

(*a*) to a person who on or after the operative date becomes employed in public board employment within the prescribed period after ceasing to be employed in contributory service; and

(*b*) if the Secretary of State and the persons administering the public board pension scheme applicable to him in his new employment consent, to a person who before the operative date and within the prescribed period after ceasing to be employed in contributory service became employed in public board employment—

(i) by a body named in Part II of Schedule 2 to these Rules; or

(ii) by a body named in Part III of Schedule 2 to these Rules after having ceased to be employed in contributory service on or after the date specified against the name of that body.

Excepted Cases

7.—(1) This Part of these Rules shall not apply to—

(*a*) a person who has become entitled to a pension (other than a return of contributions) under the Teachers Acts;

(*b*) a person who does not within the period defined in paragraph (2) of this rule—

(i) give notice in writing to the persons administering the public board pension scheme applicable to him in his new employment that he desires this Part of these Rules to apply to him and furnish those persons with particulars of his recognised service (if any) and of his contributory srevice; and

(ii) pay to those persons an amount equal to any return of contributions (other than voluntary contributions) made to him under the Teachers Acts after he last ceased to be employed in contributory service.

(2) For the purposes of paragraph (1)(*b*) of this rule the period shall be three months after the date on which the person became employed in public board employment or, if in his new employment he is employed by a body named in Part II or Part III of Schedule 2 to these Rules, three months after that date or six months after the operative date, whichever period shall last expire:

Provided that in any particular case—

(*a*) the period for the giving of the notice and the furnishing of the particulars required by paragraph (1)(*b*)(i) of this Rule may, with the agreement of the Secretary of State, be extended by the persons administering the public board pension scheme applicable to the person in his new employment; and

(*b*) the period for the making of the payment required by paragraph (1)(*b*)(ii) of this Rule may be extended by those persons.

Payment of Transfer Value

8. In respect of a person to whom this part of these Rules applies the Secretary of State shall, except as in these Rules provided, pay to the persons administering the public board pension scheme applicable to him in his new employment a transfer value of an amount calculated in accordance with the provisions of Schedule 3 to these Rules.

Reckoning of Transferred Service as Qualifying Service

9. Where a person in respect of whom a transfer value is paid by the Secretary of State under this Part of these Rules becomes re-employed in contributory service in circumstances in which neither the provisions of Part III of these Rules nor any similar provisions contained in other rules made under sections 2 and 15 of the Act apply to him, any service in respect of which the transfer value was paid shall be treated as qualifying service for the purposes of the Teachers Acts.

Contributions not Returnable

10. No return of contributions shall be made under the Teachers Acts to any person or his personal representatives in respect of any service which is taken into account in calculating the amount of a transfer value paid by the Secretary of State under this Part of these Rules.

PART III—TRANSFER FROM PUBLIC BOARD EMPLOYMENT TO CONTRIBUTORY SERVICE

Application of Part III

11. Except as in these Rules provided this Part of these Rules shall apply—

(*a*) to a person who on or after the operative date becomes employed in contributory service within the prescribed period after ceasing to be employed in public board employment; and

(*b*) if the Secretary of State consents, to a person who before the operative date became employed in contributory service within the prescribed period after ceasing to be employed in public board employment—

(i) by a body named in Part II of Schedule 2 to these Rules; or

(ii) by a body named in Part III of Schedule 2 to these Rules on or after the date specified against the name of that body,

being a person in respect of whom the Secretary of State receives from the persons administering the public board pension scheme last applicable to him a transfer value of an amount calculated in accordance with the provisions of Schedule 3 to these Rules.

Excepted Cases

12.—(1) This Part of these Rules shall not apply to—

(*a*) a person who has become entitled to a pension (other than a return of contributions) under a public board pension scheme; or

(*b*) a person who does not within the period defined in paragraph (2) of this rule—

(i) give notice in writing to the Secretary of State that he desires this Part of these Rules to apply to him and furnish the Secretary of State with particulars of his previous pensionable employment; and

(ii) pay to the Secretary of State an amount equal to any sum received by him on or after the cessation of his public board employment by way of return of contributions (other than voluntary contributions or contributions made or deemed to be made for the purpose of securing benefits for his widow, children or other dependants).

(2) For the purposes of paragraph (1)(*b*) of this Rule the period shall be three months after the date on which the person became employed in contributory service or, if in his public board employment he was last employed by a body named in Part II or Part III of Schedule 2 to these Rules, three months after that date or six months after the operative date, whichever period shall last expire:

Provided that in any particular case—

(*a*) the period for the giving of the notice and the furnishing of the particulars required by paragraph (1)(*b*)(i) of this Rule may be extended by the Secretary of State with the agreement of the persons administering the public board pension scheme last applicable to the person; and

(*b*) the period for the making of the payment required by paragraph (1)(*b*)(ii) may be extended by the Secretary of State.

Reckoning of Service as Contributory Service

13.—(1) In relation to a person to whom this Part of these Rules applies service which at the time of his last ceasing to be employed in public board employment was reckonable for the purposes of the public board pension scheme then applicable to him shall be reckoned for the purposes of the Teachers Acts in accordance with the following provisions of this Rule.

(2) Any period of such service which, for the purpose of calculating the transfer value payable under this Part of these Rules, is treated as contributing service shall be reckoned as contributory service.

(3) Any period of such service which, for the purpose of calculating the transfer value payable under this Part of these Rules, is treated as non-contributing service shall—

(*a*) be reckoned in full for the purpose of calculating the period qualifying for a superannuation allowance under the Teachers Acts ;

(*b*) be reckoned in full as a period of employment in contributory service for the purpose of determining average salary under Section 10(2) of the Act of 1925 ; and

(*c*) be reckoned as to one-half thereof as contributory service for all other purposes of the Teachers Acts.

(4) Any other period of such service which was reckonable for the purpose of determining whether the person had served for the minimum period required for the payment of any superannuation allowance to or in respect of him shall be similarly reckoned for the purposes of the Teachers Acts.

Continuation of Voluntary Contributions

14.—(1) A person to whom this Part of these Rules applies may, within three months of becoming employed in contributory service, or within such longer period as the Secretary of State may in any particular case allow, elect to continue paying voluntary contributions and, if he does so elect, and within three months of his becoming employed in contributory service, 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 any sum paid to him by way of return of voluntary contributions on or after his ceasing to be employed in public board employment and, subject to the provisions of the next following paragraph of this rule, thereafter pays to the Secretary of State any outstanding voluntary contributions at the times at which they would have been payable if he had remained in public board employment, his contributory service shall be affected in the same manner, as nearly as may be, as his service in such employment would have been affected if he had completed the payment of the voluntary contributions before ceasing such employment.

(2) The provisions of rules 7, 8, 10, 11, 12 and 15 of the Teachers Superannuation (Previous Employment) Rules 1957(a), relating to additional contributions payable for the purposes of section 19 of the Teachers (Superannuation) Act 1956, shall apply to outstanding voluntary contributions to which this rule applies as if such voluntary contributions were additional contributions payable under rule 5 of those Rules and as if the person by

(a) S.I. 1957/1297 (1957 I, p. 695).

whom they are payable were a teacher to whom those Rules apply, but with the modifications that in rule 7(1) of those Rules the words from " until he attains the age of 60 years " to the end of the paragraph and in rule 12 of those Rules the words " he shall not be entitled to reckon any period of previous employment as contributory service under section 19 of the Act of 1956, and in such a case " shall be deemed to be omitted.

(3) If a person does not elect as aforesaid or if voluntary contributions paid by him are repaid in accordance with the provisions of rule 12 of the Teachers Superannuation (Previous Employment) Rules 1957, as applied by this rule, the service in respect of which the voluntary contributions were paid shall be reckoned under these Rules only to the extent, if any, to which it would have been so reckoned if no voluntary contributions had been paid in respect thereof.

Commencement of Public Board Employment to be deemed commencement of Contributory Service

15. For the purposes of section 3(1)(*c*) of the Act of 1925, as amended by section 8 of the Act, the date on which a person to whom this Part of these Rules applies became employed in public board employment shall be deemed to be a date on which he became employed in contributory service.

Return of Contributions

16.—(1) 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 personal representatives shall be entitled under section 12 of the Act of 1925, 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 contributory service and, in the case of a person who has elected in pursuance of rule 14 of these Rules to continue paying voluntary contributions, in respect also of voluntary contributions paid by him before becoming employed in contributory service which have either not been returned to him or, if returned, have been paid to the Secretary of State under rule 14(1) of these Rules and have not subsequently been again returned.

(2) In computing the amount of the sum so included for the purposes of this rule compound interest shall be calculated—

(*a*) as respects the period ending immediately before the date on which the person became employed in contributory 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 section 12 of the Act of 1925.

Modification of Benefits and Obligations in relation to National Insurance

17.—(1) In this rule—

" the teachers modification provisions " means the modifications of the Teachers Acts and other instruments relating to the superannuation of teachers prescribed by the National Insurance (Modification of Teachers Pensions) Regulations 1948(**a**), as amended by the National Insurance (Modification of Teachers Pensions) Amending Regulations 1956(**b**);

(**a**) S.I. 1948/889 (Rev. XVI, p. 298: 1948 I, p. 2851).
(**b**) S.I. 1956/1482 (1956 I, p. 1643).

" existing teacher " and " new entrant " have the same respective meanings as in the National Insurance (Modification of Teachers Pensions) Regulations 1948 ;

" scheme modification provisions " means any provisions contained in or relating to a public board pension scheme whereby the benefits provided under that scheme are modified by reason of the passing of the National Insurance Act 1946(a).

(2) The provisions of this rule shall have effect for the purpose of determining whether and in what manner the teachers modification provisions shall apply in relation to a person to whom this Part of these Rules applies.

(3) In the case of a person—

(*a*) whose service to be reckoned as contributory service under these Rules commenced on or before 5th July 1948 ; and

(*b*) in respect of whom the transfer value received by the Secretary of State is not reduced in accordance with Part IV of the Transfer Value Regulations

the teachers modification provisions shall not apply.

(4) In the case of a person—

(*a*) whose service to be reckoned as contributory service under these Rules includes service which commenced on or before 5th July 1948 in respect of which he was affected by scheme modification provisions ; and

(*b*) in respect of whom the transfer value is reduced in accordance with Part IV of the Transfer Value Regulations

the teachers modification provisions shall apply as they apply in the case of an existing teacher and, for the purpose of those provisions, the date of modification shall be deemed to be the date on which scheme modification provisions first affected him.

(5) In the case of a person to whom, before he became employed in public board employment, the teachers modification provisions applied as they apply in the case of an existing teacher, those provisions shall again apply in like manner.

(6) In the case of a person to whom none of the last three foregoing paragraphs applies, the teachers modification provisions shall apply as they apply in the case of a new entrant.

Payment into Exchequer

18. All sums received by the Secretary of State under these Rules whether by way of transfer value or otherwise shall be paid into the Exchequer.

Part IV—Treatment of Public Board Employment as Approved External Service

Provisions as to Approved External Service

19.—(1) Any employment of a person by a public board which is employment in the service of a public authority shall, unless he claims that it shall not be so treated, be treated as approved external service for the purposes

(a) 9 & 10 Geo. 6. c. 67.

of section 13 of the Act of 1925 as if it were employment of the kind referred to in subsection (1)(*b*) of that section—

(*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 entering public board employment, in which case his employment so treated as approved external service shall include his recognised or contributory service in respect of which a transfer value has been paid by the Secretary of State under these Rules; or

(*b*) if that person is a person to whom Part II of these Rules does not apply, but who has been employed in recognised or contributory service whether under a scheme as aforesaid or otherwise at any time before entering public board employment.

(2) Public board employment which is treated as approved external service by virtue of this rule shall not be deemed to be recognised or contributory service for the purpose of calculating the average salary of a teacher under the provisions of Part II of the Act of 1925.

(3) The provisions of this rule shall not extend to any person whose public board employment is treated as approved external service by virtue of any other rules.

Rule 2(1)

SCHEDULE 1

REVOCATIONS

Regulations revoked	References
The Superannuation (Teaching and Public Boards) Rules 1951	S.I. 1951/1852 (1951 II, p. 187).
The Superannuation (Teaching and Public Boards) Amending Rules 1952	S.I. 1952/1012 (1952 I, p. 838).
The Superannuation (Teaching and Public Boards) Amending Rules 1957	S.I. 1957/1717 (1957 I, p. 690).
The Superannuation (Teaching and Public Boards) Amending Rules 1961	S.I. 1961/745 (1961 I, p. 1556).

Rule 3(1)

SCHEDULE 2

PART I

The British Broadcasting Corporation.
The British Council.
The British European Airways Corporation.
The British Overseas Airways Corporation.
The Electricity Council.
An Electricity Board in England and Wales.
The South of Scotland Electricity Board.

The North of Scotland Hydro-Electric Board.
The Forestry Commission.
The Gas Council.
An Area Gas Board.
The National Coal Board.
The National Dock Labour Board.
The Nature Conservancy.
The Port of London Authority.
The United Kingdom Atomic Energy Authority.

PART II

The Agricultural Research Council.
The Commonwealth War Graves Commission.
The Crown Agents for Oversea Governments and Administrations.

PART III

The Kingston upon Hull Telephone Undertaking	16th January 1953.
The Independent Television Authority	1st December 1956.
The Central After-Care Association (England and Wales)	1st November 1961.
The National Association of Discharged Prisoners' Aid Societies (Incorporated)	1st November 1961.
The Metropolitan Water Board	1st September 1962.
The National Industrial Fuel Efficiency Service	1st January 1963.
The Commonwealth Institute.	1st January 1964.

SCHEDULE 3 Rules 8 and 11

1.—(1) A transfer value payable or receivable under these Rules in respect of any person 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 hold the employment in relation to which the transfer value is payable, had ceased to be a contributory employee under one local authority and had become such an employee under another local authority and—

(*a*) in the case of a person to whom Part II of these Rules applies, had been entitled to reckon his recognised and contributory service as contributing service ; or

(*b*) in the case of a person to whom Part III of these Rules applies, had been entitled to reckon

(i) as non-contributing service, any service which was originally non-contributing service and which, under the public board pension scheme last applicable to him, was treated in like manner as non-contributing service is treated under the Local Government Superannuation Acts 1937 to 1953 and regulations made thereunder ; and

(ii) as contributing service, the amount of service (other than that specified above) which he was entitled to reckon for the purpose of computing benefits under the public board pension scheme last applicable to him.

(2) Service which is reckoned as contributing or non-contributing service under sub-paragraph (1) above shall, for the purposes of that sub-paragraph, be deemed to have been affected or modified in accordance with regulations applicable to contributing and non-contributing service made by reason of the passing of the National Insurance Acts 1946 to 1963 in like manner and to the like extent, as nearly as may be, as it was affected or modified in accordance with other regulations or with provisions contained in or relating to a public board pension scheme by reason of the passing of those Acts.

2.—(1) A transfer value payable in respect of a person to whom rule 4(2) of these Rules applies, being a person who after ceasing to hold the employment in relation to which it is payable and before becoming employed in his new employment has undergone a course of study or training, shall be calculated by reference to his age at the date when he became employed in his new employment.

(2) A transfer value payable in respect of a person who ceased to hold the employment in relation to which it is payable more than twelve months before the operative date shall be calculated by reference to his age on that date.

3. A transfer value shall be reduced by an amount equal to any sum which the person paying it is liable to pay by way of income tax by reason of the payment thereof.

4. In calculating the amount of a transfer value payable by the Secretary of State under Part II of these Rules there shall be excluded—

(*a*) any period of contributory service under a scheme made under section 21(1)(*a*) of the Act of 1925 ; and

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

5. For the purposes of this Schedule the Transfer Value Regulations shall be read with such modifications as are necessary and, in relation to a transfer value payable by the Secretary of State under Part II of these Rules, with the following modifications to Schedule 1 thereof:—

(*a*) The substitution of the following proviso for the proviso to paragraph 2:—

"Provided that such aggregate sum shall be reduced by—

(*a*) an amount equal to any sum, together with any interest on any sum, which, when the person ceased to hold the employment in relation to which the transfer value is payable, was paid to him by way of a return of contributions (other than voluntary contributions within the meaning of the Superannuation (Teaching and Public Boards) Interchange Rules 1965 payable in respect of a period of additional service excluded from the calculation of contributing service by paragraph 4(7)(*a*) of this Schedule) ;

(*b*) an amount equal to any sum (estimated if necessary by the Government Actuary) which, when the person ceased to hold the aforesaid employment, remained to be paid by him by way of voluntary contributions within the meaning of the said Rules towards the discharge of a fixed sum ; and

(*c*) an amount estimated by the Government Actuary to be the capital value of any voluntary contributions within the meaning of the said Rules which, when the person ceased to hold the aforesaid employment, remained to be paid by him, not being such contributions to which the last foregoing sub-paragraph applies or such contributions

(a) 2 & 3 Geo. 6. c. 95. (b) S.I.1949/468 (1949 I, p. 1533).

payable in respect of a period of additional service excluded from the calculation of contributing service by paragraph 4(7)(*a*) of this Schedule." and

(*b*) The substitution of the following for paragraph 4(7)(*a*):—

"(*a*) there shall be excluded any period of additional service within the meaning of the Superannuation (Teaching and Public Boards) Interchange Rules 1965 in respect of which, at the time the transfer value is paid, the person has not elected to continue making voluntary contributions within the meaning of these Rules."

Given under the Official Seal of the Secretary of State for Education and Science on 13th April 1965.

(L.S.) *Anthony Crosland,*
Secretary of State for Education and Science.

We concur,

G. H. R. Rogers,
J. McCann,
Two of the Lords Commissioners of Her Majesty's Treasury.

22nd April 1965.

EXPLANATORY NOTE

(*This Note is not part of the Rules*)

The purpose of the Rules is to consolidate and extend arrangements made by earlier Rules for the preservation of superannuation rights upon changes of employment between teaching and Public Boards named in Schedule 2; Parts II and III of the Schedule list the Boards now included for the first time.

In accordance with Section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948 the Rules may apply retrospectively to past transfers to or from employments newly included, subject to the agreement of the employee and the former employer, and to certain restrictions indicated by the Rules.

Provision is made for the maintenance of superannuation rights where transfer has to be postponed on account of approved courses of training, and of the right to pay voluntary contributions begun in a former employment as a condition of the grant of additional pension credit.