
STATUTORY INSTRUMENTS

1955 No. 1494

**The Superannuation (Local Government and
National Health Service) Interchange Rules 1955**

PART III

TRANSFER FROM NATIONAL HEALTH SERVICE TO LOCAL GOVERNMENT

Reckoning of previous service

6.—(1) Subject as hereinafter provided, where after leaving employment in which he was an officer a person becomes a contributory employee or local Act contributor within the prescribed time limit, then, if the authority maintaining the fund to which he is a contributor receive from the Minister of Health a transfer value calculated in accordance with regulation 83 of the Health Service Regulations, he shall be entitled to reckon all service which in calculating the said transfer value is, or is treated as if it were, contributing service or non-contributing service, in the same manner and to the like extent as if it had been contributing service or non-contributing service within the meaning of the Act of 1937; and he shall also be entitled to reckon for the purpose of determining whether any benefit is payable to or in respect of him as a contributory employee or local Act contributor any service which would have been reckonable for the purpose of determining whether any benefit was payable to or in respect of him under the Health Service Regulations:

Provided that—

- (a) this rule shall not apply to any person unless within three months after entering his new employment he gives notice in writing to the authority maintaining the superannuation fund to which he is a contributor that he desires these rules to apply to him, furnishes them with particulars of any national service in which he has been engaged since leaving his former employment and pays to them an amount equal to any sum paid to him by way of return of contributions, other than voluntary contributions, on or after his ceasing to hold his former employment;
- (b) where at the time when he left the employment in which he was an officer a person was in the course of making payments which were or were deemed to be payments under the Second Schedule to the Health Service Regulations, then, if on giving notice under paragraph (a) of this proviso that he desires these rules to apply to him, he pays to the authority maintaining the superannuation fund to which he is a contributor a sum equal to any sums which may have been returned to him in respect of such payments under regulation 35 of the Health Service Regulations on or after leaving the employment in which he was an officer—
 - (i) he shall be entitled, in continuation of those payments, to make payments, and
 - (ii) in respect of the service in respect of which the payments were being made, shall enjoy rights and be subject to liabilities,

as if in his previous employment he had been, instead of an officer to whom the Health Service Regulations applied, a contributory employee;

(c) where at the time when he left the employment in which he was an officer a person was in the course of making payments in respect of added years he shall be entitled, if, on giving notice under paragraph (a) of this proviso that he desires these rules to apply to him. he pays to the authority maintaining the superannuation fund to which he is a contributor in his new employment a sum equal to any sum paid to him by way of return of such payments as aforesaid on or after leaving the employment in which he was an officer, to pay the outstanding payments to that authority in the manner in which they would have been payable if he had remained in his employment as an officer, and in respect of the added years in respect of which those payments are made shall enjoy rights and be subject to liabilities as if those years were added years reckonable in his new employment under regulation 12 of the benefits regulations or, if in his new employment he is subject to a local Act scheme, under such provisions corresponding to the said regulation 12 or to regulation 5 of the Local Government Superannuation (Reckoning of Service on Transfer) Regulations, 1954(1), as are contained in that scheme.

(2) Where a person to whom paragraph (1) of this rule applies was in his employment as an officer a person to whom regulation 44 of the Health Service Regulations applied and is, in his new employment, a person to whom regulation 21 or 22 of the benefits regulations applies he shall (whether or not he continues to be a person to whom the said regulation 21 or 22 applies) have rights corresponding to those to which he would have been entitled if the said regulation 44 had continued to apply to him.

(3) Where a person to whom paragraph (1) of this rule applies was in his employment as an officer a person to whom sub-paragraph (b) of either paragraph (1) or paragraph (2) of regulation 51 of the Health Service Regulations applied, or a person to whom paragraph (4) or (5) of that regulation applied, and is in his new employment a person to whom regulation 21 or 22 of the benefits regulations applies, then, notwithstanding anything contained in paragraph (1) of this rule (but without prejudice to the application to him of this rule if he again enters employment by virtue of which he is a contributory employee or local Act contributor after leaving employment as an officer), the Acts of 1937 to 1953 or local Act scheme applicable to him in his new employment shall be modified so as to confer upon him rights corresponding to those conferred by the said sub-paragraph so long as he is such a person—

- (a) without having had a break in employment of twelve months or more at any one time since leaving employment in which paragraph (1) of this rule last applied to him; and
- (b) without having entered, since the date on which paragraph (1) of this rule last applied to him, employment in which he was an officer.

Reckoning of national service

7. Where after leaving his former employment and before entering his new employment a person to whom rule 6 of these rules has become applicable had been engaged in national service the period of service which he becomes entitled to reckon under the said rule shall be treated as being increased to the extent (if any) to which the said period of national service would have been reckonable as service for the purposes of the Health Service Regulations, had the person again become an officer on the termination of such national service:

Provided that this rule shall not apply unless the transfer value received from the Minister of Health under rule 6 of these rules was calculated so as to include the liability of which the Minister of Health was relieved in respect of the said period of national service.