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STATUTORY INSTRUMENTS

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**1955 No. 1494**

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

**PART IV**

**MISCELLANEOUS PROVISIONS**

**Contributions not returnable to a person to whom rule 4 has become applicable**

**8.** Notwithstanding anything in the Act of 1937 or any local Act scheme no payment shall be made thereunder by way of return of contributions, other than voluntary contributions, to any person in relation to whom rule 4 of these rules has become applicable.

**Computation of contributions of a person to whom rule 6 applies**

**9.—(1)** Where a person to whom rule 6 of these rules applies (not being a person to whom paragraph (3) of this rule applies) ceases to be employed as a contributory employee or local Act contributor, or dies, in circumstances in which under the relevant superannuation provision there is payable to or in respect of him an amount by way of return of contributions (with or without interest) or a benefit which falls to be calculated by reference to any such amount then, for the purpose of the relevant superannuation provision, the amount of his contributions shall be taken to include in respect of service which, by virtue of these rules, has become reckonable as service for the purposes of the Act of 1937 or the relevant local Act scheme an amount equal to the amount which would have been payable by way of return of contributions under the pension scheme applicable to him in his former employment, if, on his ceasing to hold that employment, he had been entitled to receive an amount by way of return of contributions without interest.

(2) Where under the relevant superannuation provision the amount payable by way of return of contributions or by way of benefit is a sum equal to, or which falls to be calculated by reference to, the amount of his contributions with compound interest thereon, compound interest shall also be payable in respect of the amount by which those contributions are increased under the last preceding paragraph, calculated—

- (i) as respects the period ending immediately before the day on which he became a contributory employee or local Act contributor, at the rate at which it would have been calculated under the pension scheme applicable to him in his former employment if on leaving that employment he had been entitled to a return of contributions together with compound interest thereon; and
- (ii) as respects the period beginning with the date on which he became a contributory employee or local Act contributor, in accordance with the provisions of section 10 of the Act of 1937 or, as the case may be, the corresponding provisions of the relevant local Act scheme.

(3) Where a person to whom rule 6 of these rules applies—

- (a) ceases to be employed as a contributory employee or local Act contributor in the circumstances mentioned in subsection (1) of section 10 of the Act of 1937; or
- (b) dies in the circumstances mentioned in subsection (3) of that section; or

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- (c) ceases (by reason of permanent ill-health or infirmity of mind or body) to be employed as a contributory employee or local Act contributor, or dies, in circumstances in which there is payable to or in respect of him a benefit which falls to be calculated by reference to the amount of his contributions (with or without interest),

then, if (in consequence of his having exercised an option to retain rights corresponding with those previously enjoyed by him as an established civil servant) he was not required in his employment as an officer to pay contributions, he shall be deemed to have made to the appropriate superannuation fund, on becoming a contributory employee or local Act contributor, contributions in respect of service which, immediately before he left the employment in which he was an officer, was reckonable under the Health Service Regulations as contributing service (being service as a civil servant or service subsequent thereto as an officer) of an aggregate amount equal to three eightieths of the annual salary and emoluments of his office multiplied by the number of completed years of his said service.

(4) For the purposes of the last foregoing paragraph “the annual salary and emoluments of his office” means the average annual amount of the pensionable salary and emoluments of his office during the three years ending with the last day of his service as an officer or, where his service during that period is less than three years, the average annual amount of his pensionable salary and emoluments during the actual period of his service.

(5) Notwithstanding anything in the previous provisions of this rule, the sum by which contributions payable under the relevant superannuation provision are increased under paragraph (1) or (2) of this rule shall not include—

- (a) any amount in respect of payments made voluntarily for the purpose of securing benefits for a widow, children or other dependants; or
- (b) any sum in respect of contributions which, on or after the person's ceasing to be employed as an officer were returned to and retained by him; or
- (c) any amount in respect of voluntary contributions which, being payments to which paragraph (b) or (c) of the proviso to paragraph (1) of rule 6 of these rules applied, have not been continued in pursuance of that rule.

#### **Application of section 35 of the Act of 1937**

**10.** The provisions of section 35 of the Act of 1937 shall have effect in relation to a person who becomes a contributory employee in circumstances in which these rules apply as if the reference in the said section to regulations made under that Act included a reference to these rules.

#### **Preservation of rights of designated employees under the Act of 1937**

**11.** Where a person on being transferred under the Act of 1946 or, in consequence of the acquisition by the Minister of Health under section 58 of that Act of premises at which, or for the purpose of administering the services provided at which, he was employed at the date of acquisition, became an officer having immediately before becoming such officer been subject to the provisions of the Act of 1937 or a local Act scheme, then if—

- (a) he would have been subject to the Act of 1937 as a designated employee had he become a contributory employee instead of an officer; and
- (b) he becomes a contributory employee or local Act contributor to whom rule 6 of these rules is applicable; and
- (c) immediately before leaving the employment in which he was an officer he was entitled, by virtue of an option having effect under the Health Service Regulations, to enjoy rights corresponding to the rights which he would have enjoyed if he had remained subject to the Act of 1937, the Acts of 1937 to 1953 or a local Act scheme,

he shall be deemed, for the purposes of sections 6 and 31 of the Act of 1937, not to have had a disqualifying break of service between the date on which he ceased to be employed in the said employment in which he was subject to the provisions of the Act of 1937 or a local Act scheme and the date on which he again becomes a contributory employee or local Act contributor.

#### **Preservation of rights acquired under Part I of the Second Schedule to the Act of 1937**

**12.** Where a person on being transferred under the Act of 1946, or in consequence of the acquisition by the Minister of Health under section 58 of that Act of premises at which, or for the purpose of administering the services provided at which, he was employed at the date of acquisition, became an officer having immediately before becoming such officer been entitled to rights under Part I of the Second Schedule to the Act of 1937 (which relates to transferred poor law employees and transferred rating employees) or to corresponding rights under a local Act scheme then, if—

- (a) he becomes a contributory employee or local Act contributor to whom rule 6 of these rules is applicable; and
- (b) immediately before leaving the employment in which he was an officer he was entitled, by virtue of an option having effect under the Health Service Regulations, to enjoy rights corresponding to the rights which he would have enjoyed if he had remained subject to the Act of 1937, the Acts of 1937 to 1953 or a local Act scheme,

he shall be deemed for the purposes of Part I of the Second Schedule to the Act of 1937 and of any corresponding provisions of the local Act scheme not to have had a disqualifying break of service between the date on which he ceased to be employed in the employment in which he was entitled as a contributory employee or local Act contributor to such rights as aforesaid and the date on which he again becomes a contributory employee or local Act contributor.