
STATUTORY INSTRUMENTS

1957 No. 2197

The Superannuation (English Local Government and Northern Ireland Health Service) Interchange Rules 1957

PART I

General

Interpretation

2.—(1) In these rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

“the Act” means the Superannuation (Miscellaneous Provisions) Act, 1948;

“the Act of 1909” means the Asylums Officers' Superannuation Act, 1909;

“the Act of 1937” means the Local Government Superannuation Act, 1937;

“the Act of 1948” means the Health Services Act (Northern Ireland), 1948;

“the Act of 1953” means the Local Government Superannuation Act, 1953;

“the Acts of 1937 to 1953” means the Local Government Superannuation Acts, 1937 to 1953;

“added years” means—

(a) in relation to a contributory employee or local Act contributor, any additional years of service reckonable by him under regulation 12 of the Benefits Regulations, any corresponding provision of a local Act scheme or that regulation or any such provision as aforesaid as applied by regulations made under the Third or Fourth Schedule to the Act of 1953, and includes any additional years of service which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become and are reckonable under or by virtue of rules made under section 2 of the Act or any other enactment;

(b) in relation to an officer, any additional years of service of the nature of additional years of service referred to in paragraph (a) of this definition which have become reckonable under the Health Services Regulations;

“the Benefits Regulations” means the Local Government Superannuation (Benefits) Regulations, 1954 **(1)**;

“contributory employee” has the same meaning as in the Act of 1937 and includes a person deemed to be a contributory employee and any reference to employment in or by virtue of which a person is or was a contributory employee shall be construed accordingly;

“employing authority” means any authority which under the Health Services Regulations is, or is treated as if it were, an employing authority within the meaning of those Regulations;

“local Act contributor” has the same meaning as in the Act of 1937 and includes a person deemed to be a local Act contributor and any reference to employment in or by virtue of which a person is or was a local Act contributor shall be construed accordingly;

“the Health Services Regulations” means the Health Services (Superannuation) Regulations (Northern Ireland), 1954;

“the Transfer Value Regulations” means the Local Government Superannuation (Transfer Value) Regulations, 1954(2);

“the Minister” means the Minister of Housing and Local Government;

“the Ministry” means the Ministry of Health and Local Government for Northern Ireland ;

“national service” in relation to any person means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and includes any period immediately following the termination thereof during which (with the consent, in the case of a justices' clerk, of the authority by whom he was appointed, and in the case of any other person, of the authority or person by whom he was employed before undertaking that service) the person continues in similar service;

“officer” (except that it does not include a person to whom paragraph (2) of regulation 6 of the Health Services Regulations applies) has the same meaning as in the Health Services Regulations or, in the case of a person who left employment in Northern Ireland before the first day of July, 1954, (being the date of the coming into operation of the Health Services (Superannuation) Regulations (Northern Ireland), 1954) the same meaning as in the regulations which were in force under subsection (1) of section 61 of the Act of 1948 immediately before he left his said employment, and includes a person to whom those regulations apply as if he were an officer of an employing authority;

“voluntary contributions” means—

- (a) in relation to a person who has become or before the commencement of these rules became an officer after leaving employment in which he was a contributory employee or local Act contributor, payments made voluntarily by him for the purpose of securing benefits for his widow, children or other dependants and payments (other than completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) of any of the following categories—
 - (i) additional contributory payments of the kind referred to in subsections (3) and (4) of section 2 of the Act of 1953;
 - (ii) any similar payments made under a local Act scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme or, where the local Act scheme provides for the reckoning of noncontributing service, as contributing service for the purposes of the scheme;
 - (iii) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating a benefit under a local Act scheme;
 - (iv) any payments made in respect of added years;
- (b) in relation to a person who has entered employment in which he is a contributory employee or local Act contributor after leaving employment in which he was an officer, any payments similar in character to any such payments as aforesaid for which, when he left the employment in which he was an officer, provision was made in the Health Services Regulations.

(2) 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, applied or re-enacted by any subsequent enactment, rules or regulations.

(3) For the purposes of these rules a justices' clerk shall be deemed to be in the employment of the magistrates' courts committee by whom he is or, under the provisions of the Justices of the Peace Act, 1949, is deemed to have been, appointed and references to "employment" shall, in relation to any such person, be construed accordingly.

(4) References in these rules to provisions of the Health Services Regulations shall be construed in the case of a person who ceased to be an officer before the first day of July, 1954, as references to the corresponding provision (if any) of any previous regulations in force under subsection (1) of section 61 of the Act of 1948 immediately before the person ceased to be an officer.

(5) The Interpretation Act, 1889, applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.