
STATUTORY INSTRUMENTS

1957 No. 2197

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

PART I

General

Citation and commencement

1. These rules may be cited as the Superannuation (English Local Government and Northern Ireland Health Service) Interchange Rules, 1957, and shall come into operation on the 1st day of January, 1958.

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.

Definition of "the prescribed time limit"

3.—(1) Subject as hereinafter provided, "the prescribed time limit" means—

- (a) in rule 4, a period of twelve months after leaving employment as a contributory employee or local Act contributor or, in the case of a person who immediately after leaving such employment became engaged in national service, a period of six months after the termination of that service;
- (b) in rule 6, a period of twelve months after leaving employment as an officer or, in the case of a person who immediately after leaving such employment became engaged in national service, a period of six months after the termination of that service:

Provided that the reference in sub-paragraph (a) of this paragraph to a period of twelve months from the date on which a person ceased to be employed shall be construed in relation to a person to whom section 6 of the Act has become applicable as a reference to a period of five years from that date or such longer period as the Minister may, in any particular case, allow.

(2) Subject as hereinafter provided, in the case of a person who in his new employment is or before the commencement of these rules was an officer having been in his former employment a contributory employee or local Act contributor engaged in an employment mentioned in paragraph (4) of this rule, or who is or before the commencement of these rules was a contributory employee or local Act contributor engaged in any such employment as is mentioned in that paragraph having in his former employment been an officer—

- (a) in reckoning the said period of twelve months or, as the case may be, the said period of six months mentioned in sub-paragraphs (a) and (b) of the last preceding paragraph no account shall be taken of any period spent by the person on a course of study or training which he entered after leaving his former employment;
- (b) if the person left employment in which he was a contributory employee or local Act contributor or, as the case may be, an officer, in order to enter 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 the last preceding paragraph to have left his former employment at the time when he completed the said course of study or training.

- (3) The provisions of the last preceding paragraph shall not apply—
- (a) to a person who in his new employment is or was an officer as aforesaid 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 authority by whom he was employed of his intention to enter the said course of study or training;
 - (ii) he has not received, in pursuance of a claim made by him, a return of contributions from the fund to which he was a contributor in his former employment; and
 - (iii) the Ministry is satisfied that by reason of having undertaken the said course of study or training the person is or was better fitted for the duties of his new employment;
- (b) to a person who in his new employment is or was a contributory employee or local Act contributor as aforesaid unless—
- (i) the said course of study or training was approved by the Ministry on the person's written application made before or within three months after the commencement of the course; and
 - (ii) the authority employing him in his new employment are satisfied that by reason of having undertaken the said course of study or training he is or was better fitted for the duties of his new employment:
- Provided that a person who, immediately after leaving employment as a contributory employee or local Act contributor, becomes engaged in national service and before the termination of that service gives notice of his intention to enter a course of study or training may, on giving such notice, pay to the authority maintaining the superannuation fund to which he was formerly a contributor an amount equal to any sums paid to him by way of return of contributions, in pursuance of a claim made by him, by that authority and, if he pays that amount, shall be deemed for the purposes of sub-paragraph (a) of this paragraph not to have claimed a return of contributions.
- (4) The employments to which paragraph (2) of this rule refers are—
- (a) employment as a person to whom regulation 21 or 23 of the Benefits Regulations applies or as a person to whom the said regulation 23 would have applied if she had given the notice referred to in subsection (2) of section 9 of the Act of 1953 (which relates to female members of staffs of children's homes and hostels);
 - (b) employment as a person to whom regulation 22 of the Benefits Regulations or a provision of a local Act scheme corresponding to the said regulation 23 applies or as a person to whom such a provision would have applied if she had given a notice corresponding to that referred to in subsection (2) of section 9 of the Act of 1953;
 - (c) in the case of a male person, employment in a children's home or hostel provided by a local authority under any enactment, other than an enactment relating to education, in which the person has the care of persons under the age of eighteen years.