
STATUTORY INSTRUMENTS

1957 No. 2197

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

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 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) 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—

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- (a) 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
- (b) any amount in respect of voluntary contributions which, being payments to which paragraph (c) or (d) 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.

Modification of benefits and obligations in relation to the National Insurance Acts

11. Where any person to whom rule 6 of these rules has become applicable was in his former employment as an officer an insured person within the meaning of the National Insurance Act (Northern Ireland), 1946, then—

- (a) if he was excepted from the operation of any provision (hereinafter called “the modification provision”) of the Health Services Regulations modifying the benefits provided by the said regulations in relation to any such insured person as aforesaid, the provisions of any regulations made by the Minister of Health or the Minister of Housing and Local Government under subsection (4) of section 69 of the National Insurance Act, 1946, and the provisions of any other regulations or any scheme replacing wholly or in part the provisions of the regulations made under the said subsection (4), shall not apply to him; and
- (b) if he was not so excepted—
 - (i) the provisions of any such regulations or scheme as aforesaid applicable to him in his new employment shall apply to him as if any service which he becomes entitled to reckon under rules 6 and 7 of these rules, being service of which account would have been taken under the modification provision for the purpose of reducing any benefit to which the person might have become entitled under the Health Services Regulations had he continued to be subject thereto, were service rendered on or after the fifth day of July, 1948; and
 - (ii) if the modification provision modified any benefit to which he might have become entitled under the Health Service Regulations by reference to a Table and to his age at a given date the provisions of any such regulations or scheme as aforesaid applicable to him in his new employment shall have effect as if any provision therein modifying superannuation benefits by reference to a Table and the age of a person at a given date applied in his case, except that the reference to his age at that date shall be construed as a reference to his age at the date which was relevant for the purposes of the modification provision:

Provided that paragraph (b) (ii) of this rule shall not apply to any person unless the modification provision, or any corresponding provision modifying benefits provided by any pension scheme to which he was formerly subject in employment which was reckonable as service for the purposes of regulations made under subsection (1) of section 61 of the Act of 1948, applied to him on or before the fifth day of July, 1948.