
STATUTORY INSTRUMENTS

1968 No. 1210

The Superannuation (English Teaching and Scottish Local Government) Interchange Rules 1968

PART I
GENERAL

Citation and Commencement

1. These Rules may be cited as the Superannuation (English Teaching and Scottish Local Government) Interchange Rules 1968 and shall come into operation on 8th August 1968.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires—

“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 (Scotland) Act 1937;

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

“the Acts of 1937 to 1953” means the Local Government Superannuation (Scotland) Acts 1937 to 1953;

“the Teachers Acts” means the Teachers (Superannuation) Acts 1918 to 1956;

“added years” means, in relation to local government employment, any additional years of service reckonable under regulation 12 of the Benefits Regulations or any corresponding provision of a local Act scheme 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 sections 2 and 15 of the Act or any other enactment;

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

“fund authority” means a local authority maintaining a superannuation fund to which a person either becomes a contributor after ceasing to be employed in teaching service or, as the case may be, was last a contributor before he became employed in teaching service;

“local authority” includes, in the case of a local authority which has ceased to exist, the local authority by whom the expenses of the first-mentioned local authority were defrayable;

“local government employment” means employment by virtue of which the person employed is or is deemed to be a contributory employee or local Act contributor within the meaning of the Act of 1937;

“Local Government Modification Regulations” means the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations 1947(2) and any provisions contained in the Benefits Regulations or in a local Act scheme or in a scheme made in relation to a local Act replacing wholly or in part the provisions of the first-mentioned Regulations;

“national service”, in relation to any person, means service which is relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and any similar service immediately following relevant service entered into with the consent of the authority or person by whom he was last employed or, as the case may be, appointed to an office before undertaking that service;

“operative date” means the date of the coming into operation of these Rules;

“pension” has the meaning assigned to it by the Act;

“prescribed period” has the meaning assigned to that expression by rule 3;

“reckonable service” means such service as is by virtue of the Teachers' Regulations reckonable service for all the purposes of Part I of the Teachers' Superannuation Act 1967 ;

“repaid contributions” means any sum paid to a person under the Teachers Acts, the Teachers' Regulations, the Acts of 1937 to 1953 or a local Act scheme by way of repayment of contributions (other than voluntary contributions and contributions made or deemed to be made for the purpose of securing benefits for a widow, children or other dependants); and includes both any interest included in such sum and any amount deducted therefrom in respect of liability to income tax arising by reason of the payment;

“the Secretary of State” means the Secretary of State for Education and Science;

“the Teachers' Regulations” means the Teachers' Superannuation Regulations 1967(3);

“teaching service” means—

- (a) reckonable service;
- (b) service which for the purposes of the Teachers' Regulations is service as an organiser, a teacher in an admitted school, a services civilian teacher or a services education officer; and
- (c) service as a part-time teacher within the meaning of the Teachers' (Part-time) Superannuation Regulations 1967(4);

“the Transfer Value Regulations” means the Local Government Superannuation (Transfer Value) (Scotland) Regulations 1954(5);

“voluntary contributions” means—

- (a) in relation to employment in teaching service, additional contributions being paid under section 19 of the Teachers (Superannuation) Act 1956 or regulation 32 of the Teachers' Regulations in respect of a period of previous employment and any contributions being paid as a condition of any other period (not being a period of war service within the meaning of the Teachers Superannuation (War Service) Act 1939 or of national service) being reckoned as reckonable service; and
- (b) in relation to local government employment, 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—

(2) (Rev.XVI, p.286: 1947 I, p.1509).

(3) (1967 I, p.1562).

(4) (1967 II, p.3721).

(5) (1954 II, p.1736).

- (i) additional contributory payments of the kind referred to in section 2(3) and (4) 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 non-contributing 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; and
- (iv) any payments made in respect of added years;

(2) Other expressions which have meanings assigned to them by the Acts of 1937 to 1953 or the Teachers' Regulations have, unless the context otherwise requires, the same respective meanings for the purposes of these Rules.

(3) Any reference in these Rules to the provisions of any enactment, rules, regulations or other instrument shall, unless the context otherwise requires, be construed as a reference to those provisions as amended, modified, affected or re-enacted by any subsequent enactment, rules, regulations or instrument.

(4) References in these Rules to a rule or to a Part shall, unless the context otherwise requires, be construed as references to a rule or to a Part of these Rules, as the case may be.

(5) The Interpretation Act 1889 shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Prescribed Period

3.—(1) For the purposes of these Rules, subject as hereafter in this rule provided, the expression “prescribed period” shall mean—

- (a) in the case of a person who, immediately after ceasing to be employed in teaching service or local government employment, became engaged in national service, a period of six months after the date of termination of the national service;
- (b) in the case of a person to whom section 6 of the Act has become applicable, a period of five years after the date on which he ceased to be employed in local government employment or such longer period as the Secretary of State for Scotland may in any particular case allow; and
- (c) in the case of any other person, a period of twelve months after the date on which he ceased to be employed in teaching service or local government employment.

(2) The Secretary of State in the case of a person entering teaching service and the fund authority in the case of a person entering local government employment may, with the agreement of the other, extend the period of six months or twelve months, whichever is appropriate, specified in paragraph (1) above.

(3) Subject as in paragraph (4) below provided—

- (a) in reckoning the periods of six months and twelve months specified in paragraph (1) above no account shall be taken of any period spent by a person on a course of study or training which he undertook after leaving his former employment; and
- (b) if a person left his former employment in order to undertake 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 paragraph (1) above to have left his former employment at the time when he completed the said course of study or training.

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(4) The provisions of paragraph (3) above shall not apply to a person who in his new employment is in local government employment unless the authority employing him are satisfied, or to a person who in his new employment is in teaching service unless the Secretary of State is satisfied, that by reason of his having undertaken the said course of study or training he is better fitted for the duties of his new employment.