
STATUTORY INSTRUMENTS

1969 No. 975

PENSIONS

The Superannuation (Local Government and Overseas Employment) Interchange Rules 1969

<i>Made</i>	- - - -	<i>17th July 1969</i>
<i>Laid before Parliament</i>		<i>24th July 1969</i>
<i>Coming into Operation</i>		<i>31st July 1969</i>

The Minister of Housing and Local Government, in exercise of his powers under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948, as amended by section 11(6) of the Superannuation (Miscellaneous Provisions) Act 1967, and of all other powers enabling him in that behalf, hereby makes the following rules:—

PART I
PRELIMINARY

Title and commencement

1. These rules may be cited as the Superannuation (Local Government and Overseas Employment) Interchange Rules 1969, and shall come into operation on 31st July 1969.

Interpretation

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

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

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

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

“added years” means any additional years of service reckonable under regulation 12 of the benefits regulations, and includes any additional years of service which, having been granted under any enactment, have subsequently become and are reckonable under or by virtue of any other enactment;

“benefit” means any superannuation benefit payable to or in respect of a person ;

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

“contributing service”, “contributory employee” “designated employee” and “disqualifying break of service” have the same meanings as in the Act of 1937;

“enactment” includes any instrument made under an enactment;

“first fund authority” means the local authority administering the superannuation fund to which a person last contributed before entering overseas employment;

“injury allowance” means an injury allowance (however named) to which a person becomes entitled in the capacity of contributory employee;

“local Act contributor” and “local authority” have the same meanings as in the Act of 1937;

“local government employment” means employment by virtue of which a person is or is deemed to be a contributory employee;

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

“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 employed before undertaking that service or, in the case of a person who holds an appointment to an office and is not employed under a contract of employment, with the consent of the authority by whom he was appointed;

“non-contributing service” has the same meaning as in the Act of 1937;

“overseas country” means any country other than a country within the United Kingdom;

“overseas employment” means employment in the service of—

- (a) the central or local government of an overseas country or a government constituted for two or more overseas countries or any Authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more overseas countries;
- (b) a university or college in an overseas country;
- (c) a public institution or other organisation engaged in health, welfare, research or educational services in an overseas country;
- (d) an organisation receiving grants from Her Majesty's Government in connection with functions overseas;
- (e) the United Nations Organisation or any of its specialised agencies or any other inter-governmental organisation to which Her Majesty's Government may be party; or
- (f) the Ministry of Overseas Development for service overseas;

being employment which is either pensionable employment within the meaning of section 17(1) of the Act of 1948 or employment undertaken with the approval of the first fund authority;

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

“retirement pension” means any retirement pension (however named) to which a person becomes entitled in the capacity of contributory employee;

“the rules of 1958” means the Superannuation (Local Government and Overseas Employment) Interchange Rules 1958⁽²⁾;

(1) (1954 II, p. 1595).

(2) (1958 II, p. 1845).

“the rules of 1961” means the Superannuation (Local Government and Overseas Employment) Interchange (Amendment) Rules 1961(3);

“second fund authority” means the local authority administering the superannuation fund to which a person contributes on re-entering local government employment after ceasing to hold overseas employment;

“the transfer value regulations” means the Local Government Superannuation (Transfer Value) Regulations 1954(4);

“voluntary contributions” means payments made voluntarily by a contributory employee for the purpose of securing benefits for his widow, children or other dependants and payments (other than payments made in respect of a liability which has been wholly discharged) of any of the following categories—

- (a) additional contributory payments of the kind referred to in section 2(3) and (4) of the Act of 1953;
- (b) 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;
- (c) 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;
- (d) any payments made in respect of added years;

“war service” means war service within the meaning of the Local Government Staffs (War Service) Act 1939, but in the case of a person who before the termination of his war service made a claim under section 10 of the Act of 1937 for the return of contributions, does not include any part of his war service after the date on which the claim was made.

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

(3) Any references in these rules to a person as a contributory employee, or to contributing service, or to the Act of 1937, the Act of 1953, the benefits regulations, or any provision in any of those enactments in their application to that person shall be deemed to include references to a person as a local Act contributor within the meaning of the Act of 1937 and to a person entitled to participate in the benefits of a superannuation fund maintained under a local Act scheme, or to service for the purposes of a local Act scheme, or to any corresponding local Act or scheme or provision therein in their application to that person.

(4) References in these rules to a numbered rule or schedule shall, unless the reference is to a rule of or a schedule to a specified enactment, be construed as references to the rule or schedule bearing that number in these rules.

(5) References in these rules to the provisions of any enactment shall, unless the context otherwise requires, be construed as references to those provisions as amended, extended, modified, applied or re-enacted by any subsequent enactment.

(6) The Interpretation Act 1889 shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament, and as if these rules and the rules revoked by rule 16(1) were Acts of Parliament.

(3) (1961 I, p. 1587).

(4) (1954 II, p. 1723).

Meaning of “prescribed period”

3.—(1) Subject to the provisions of this rule expression “prescribed period” in these rules means a period of 12 months after the date on which a person left local government employment or, as the case may be, overseas employment, and in the case of a person who immediately after leaving such employment became engaged in national service, a period of 6 months after the termination of that service.

(2) The reference in paragraph (1) of this rule to a period of 12 months shall be construed in relation to a person to whom section 6 of the Act of 1948 applies (which makes special provisions as to local government superannuation during periods of emergency) as a reference to a period of 5 years or such longer period as the Minister may in any particular case allow.

(3) Without prejudice to paragraph (2) of this rule, the first fund authority may—

- (a) in respect of a person who has left local government employment, extend either of the periods referred to in paragraph (1);
- (b) in respect of a person who has left one overseas employment and entered further overseas employment, extend the period of 12 months referred to in paragraph (1);
- (c) in respect of a person who has left overseas employment and reentered local government employment, extend the period of 21 months referred to in paragraph (1) if—
 - (i) the person notifies the second fund authority that he desires rule 11 to apply to him, and
 - (ii) the second fund authority consent.

PART II

TRANSFER FROM LOCAL GOVERNMENT EMPLOYMENT TO OVERSEAS EMPLOYMENT

Persons to whom part II applies

4.—(1) Subject to the provisions of these rules and to the conditions specified in rule 5 being satisfied, this part of these rules shall apply—

- (a) to a person who on or after the commencement of these rules enters overseas employment within the prescribed period after leaving local government employment, and
- (b) if the first fund authority consent, to a person who before the commencement of these rules entered overseas employment within the prescribed period, having left local government employment on or after 4th February 1948.

(2) This part of these rules shall not apply to any person who has become entitled to any benefit (other than a return of contributions) in respect of his local government employment.

Conditions for application of part II

5.—(1) The conditions referred to in rule 4(1) are that the person shall, before or within 6 months after entering overseas employment or, if he entered that employment before the commencement of these rules, within 6 months after their commencement—

- (a) notify the first fund authority in writing that he desires these rules to apply to him;
- (b) furnish that authority with particulars in writing of any national service in which he has been engaged since leaving local government employment; and

(c) pay to that authority an amount equal to any sum paid to him by way of return of contributions (other than voluntary contributions) on or after leaving local government employment.

(2) The first fund authority may extend the period for compliance with any condition specified in this rule.

Rights in respect of entry into overseas employment

6.—(1) Where a person ceases to hold overseas employment in such circumstances, including that of his age and the length of his service (taking into account the period of overseas employment), as had they obtained when he ceased to hold his local government employment would have entitled him to any benefit (other than an injury allowance) under the Act of 1937, he shall be entitled, as from the date on which he ceases to hold the overseas employment, to receive that benefit out of the superannuation fund of the first fund authority, calculated as if he had become entitled thereto at the date on which he ceased to hold his local government employment.

(2) Where a person ceases to hold overseas employment and has attained the age of 60 years, or any lesser age at which under the conditions of service applicable to him in the overseas employment he is required by reason of age to retire from that employment, but by reason of his not having attained some greater age and served for a correspondingly longer period he does not qualify for a benefit under the provisions of the preceding paragraph, he shall be entitled on attaining such greater age to receive the like benefits as he would have received under the preceding paragraph if he had attained that age at the date when he ceased to hold the overseas employment and had held that employment for a correspondingly longer period.

(3) Where a person dies in any of the following circumstances, that is to say—

- (a) while in overseas employment;
- (b) within 12 months after leaving overseas employment;
- (c) after ceasing to be in overseas employment in the circumstances mentioned in paragraph (2) of this rule and before attaining such greater age as is therein mentioned; or
- (d) after having become entitled to a benefit under paragraph (1) or (2) of this rule,

there shall be paid in respect of him out of the superannuation fund of the first fund authority the like benefits (if any), except any benefit for which the requisite voluntary contributions have not been maintained during the period of overseas employment, as would have been paid—

- (i) in any of the three first-mentioned circumstances, if he had died immediately before ceasing to hold his local government employment and there had been reckonable for the purpose of determining whether any benefit might have become payable to or in respect of him under the Act of 1937, in addition to any service reckonable under the said Act, a period of service equal in length to the period of overseas employment and, if he was a person to whom paragraph (2) applied, the period between the date of his ceasing to hold that employment and the date of his death, and
- (ii) in the last-mentioned circumstance, if he had become entitled to the said benefit under the said Act.

(4) Where a person ceases to hold overseas employment in the circumstances mentioned in paragraph (2) of this rule, the first fund authority shall, if within 6 months after ceasing to hold the overseas employment he so requests, pay to him in lieu of the benefits to which he would otherwise later become entitled under the said paragraph (2), those benefits reduced, according to his age at the date on which he ceased to be employed in the overseas employment, by the percentages shown in the appropriate columns of the Tables set out in schedule 1 so, however, that any such reduction shall be disregarded in the calculation of any widow's pension which may become payable in respect of the person under paragraph (3) of this rule.

(5) Where a person to whom this rule applies became engaged in national service after ceasing to hold his local government employment, that service shall for the purposes of calculating any benefit payable to or in respect of him under this rule be reckonable as contributing service if that service would have been so reckonable had the person returned to his local government employment at the date on which he entered overseas employment or, if it would not have been so reckonable as aforesaid by reason of the fact that the person had not complied with any condition as to the payment of contributions, if immediately after he entered the overseas employment or immediately after he notified the first fund authority, whichever is the later, he paid to the first fund authority the like sum as he would have been required to pay in order to comply with the said condition had he returned to his local government employment.

Restrictions on calculation of benefits

7.—(1) Where a benefit becomes payable to or in respect of a person by virtue of rule 6(1) or (3), any provision of any enactment applicable to him prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of his contributions or the service reckonable by him or the amount of the pension which, calculated by reference to that service was, or would in certain given circumstances have become, payable to him, shall be disregarded.

(2) Where a benefit becomes payable to or in respect of a person to whom rule 11 has become applicable and the amount of that benefit falls to be calculated under any provision of any enactment applicable to him prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which, calculated by reference to that service, was, or would in certain circumstances have become, payable to him, then, if the number of years of service reckonable by the person under the provisions of that enactment is less than any minimum number of years of qualifying service prescribed for the receipt of the said benefit, the amount of the said benefit, in so far as it is obtained by reference to the said provision, shall be the amount which bears the same proportion to the sum otherwise payable as the number of years of service so reckonable as aforesaid bears to the minimum number of years of qualifying service.

Exercise of discretionary powers on a person's entry into overseas employment

8.—(1) Where a person has entered overseas employment and these rules have become applicable in relation to him, the authority or body by whom he was employed may, within 6 months after the date on which they receive notification from him (or, if the employing authority are not the first fund authority, from the first fund authority) of his election that these rules shall apply to him, exercise in relation to him any discretion which, with a view to increasing the benefits payable to him, it would have been open to them to exercise at the time when he left their employment if he had then retired and had been entitled to a retirement pension.

(2) A decision made in the exercise of any discretion under this rule shall be subject to the limitations and restrictions (if any) and to the right of appeal (if any) to which it would have been subject if the discretion had been exercised on the person's retirement in the circumstances aforesaid.

(3) Where a discretion has been exercised under this rule, the service reckonable immediately before he left his local government employment by the person in whose favour the discretion has been exercised shall be deemed to have been correspondingly increased, and any transfer value that may become payable by virtue of rule 11 shall be calculated accordingly.

(4) Any increase in service, if attributable to a decision under this rule to increase the benefits payable to the person otherwise than by any notional increase or extension of the service reckonable for the purpose of calculating those benefits, or by treating any specified period of non-contributing service as contributing service or, under a local Act scheme, by similarly converting service of one category to service of another category, shall be ascertained by converting the service in respect of

which the higher rate of benefit is payable into contributing service in the manner in which non-contributing service is converted into contributing service under section 2(4) of the Act of 1953.

(5) Where the amount of any benefit to which a person becomes entitled under rule 6, or the amount of any transfer value payable in pursuance of rule 11, is increased in consequence of the exercise by an authority or body of any power conferred upon them by this rule, that authority or body shall repay the amount of the increase to the superannuation fund out of which the benefit or transfer value is payable.

Additional contributory payments and added years

9.—(1) Where a person in respect of whom a benefit may become payable under rule 6 was, at the time when he ceased to be a contributory employee, in the course of making payments (other than those to which paragraph (2) of this rule applies) by way of—

- (a) instalments in discharge of a fixed sum or
- (b) contributions of a fraction or percentage of emoluments additional to the percentage payable in respect of current service,

as a condition of being entitled to reckon any period of service as a period of contributing service for the purposes of the Act of 1937 or as a condition of increasing the length at which the said service would be reckonable for the purpose of calculating a benefit under the said Act, he shall be entitled, if on electing under rule 5 that these rules shall apply to him he repays forthwith to the first fund authority a sum equal to any sums repaid to him by way of a return of such payments on or after ceasing to hold his local government employment, to pay the outstanding payments to that authority in the manner in which he would have been liable to pay them if, on the date when he entered overseas employment, he had entered employment in which he was a contributory employee, and—

- (i) if he continues the payments, the service in respect of which they are made shall be reckonable for the purposes of the Act of 1937 in the manner in which it would have been reckonable if, immediately before he ceased to hold his local government employment, he had been under no further liability in respect of such payments;
- (ii) if he does not continue the payments, then for the purposes of the Act of 1937 account shall be taken of the service in respect of which the payments were being made only to the extent (if any) to which account would have been taken of that service if he had not been in the course of making such payments as aforesaid in respect thereof at the time when he left his former employment.

(2) Subject to the provisions of rule 11, where a person in respect of whom a benefit may become payable under rule 6 was in the course of making payments in respect of added years at the time when he left his local government employment, those years shall not be reckonable for any purpose of these rules.

Allocation of part of superannuation benefit to spouse or dependant

10. A person who becomes entitled under rule 6 to a benefit by way of annual amounts or who would become so entitled if he were to retire and who would have been entitled to surrender a part thereof had he become entitled to receive that benefit under the Act of 1953 on his retirement as an employee of the authority or body whose employment he left before entering overseas employment may surrender a part of that allowance in consideration of the grant of a pension to his spouse or any dependant on his death, subject to and in accordance with the provisions of schedule 2.

PART III

RE-ENTRY INTO LOCAL GOVERNMENT EMPLOYMENT

Re-entry into local government employment

11.—(1) Subject to the provisions of this rule, where a person to whom part II of these rules applies ceases to hold overseas employment and within the prescribed period thereafter re-enters local government employment, then—

- (a) he shall be entitled to be treated as if he had done so within 12 months after leaving local government employment, and
- (b) he shall be entitled to reckon his period of overseas employment for the purpose of determining whether he is entitled to a benefit under the Act of 1937, but for no other purpose.

(2) This rule shall not apply to a person who has received a return of contributions from the first fund authority on or after ceasing to hold his last overseas employment unless he pays to the second fund authority—

- (a) an amount equal to the returned contributions (other than voluntary contributions) and
- (b) any interest which he may be required to pay under paragraph (5) of this rule.

(3) Where there is a break of 12 months or more between the date on which a person leaves and the date on which he re-enters local government employment, he shall not be entitled—

- (i) to enjoy rights under sections 6 and 31 of the Act of 1937 as a designated employee in respect of service rendered without a disqualifying break of service;
- (ii) to be treated for the purposes of Part I of Schedule 2 to the Act of 1937 as a person who has not had a disqualifying break of service;
- (iii) to exercise an option under regulation 17(1)(c) of the benefits regulations;
- (iv) to enjoy the rights which he previously enjoyed by virtue of having exercised an option under regulation 17(1) of the benefits regulations; or
- (v) to make in his new local government employment any such payments as are mentioned in rule 9(1) or (2) in respect of any amount which was outstanding at the time when he ceased to be subject to the Act of 1937, other than any such payments as are mentioned in rule 9(1) which under these rules he has continued to make but has not completed in his overseas employment.

(4) The amount of any transfer value which may become payable under the transfer value regulations in respect of a person to whom this rule applies shall be calculated by reference to his age on the date on which he re-enters local government employment:

Provided that—

- (a) where such date is earlier than the commencement of these rules, the transfer value shall be calculated by reference to his age at the commencement of these rules; and
- (b) where interest is required to be paid under paragraph (5) of this rule, the transfer value shall be reduced by an amount equivalent to the interest paid.

(5) Where a person re-enters or re-entered local government employment more than 12 months after ceasing to hold his last overseas employment and the period of 12 months is extended pursuant to rule 3(3)(c), the first fund authority may require him to pay compound interest on any sum paid to him by way of return of contributions (other than voluntary contributions) on or after leaving his overseas employment at a rate of 3% per annum with half-yearly rests for a period beginning either with the date 12 months after the date on which he left overseas employment or, where this is later, the date on which he received such sum, and ending with the date on which he notified his desire under rule 3(3)(c) for this rule to apply to him.

(6) The interest payable under this rule shall not exceed a sum equal to one-half of the difference between the transfer value payable under paragraph (4) of this rule (or where the superannuation fund concerned is the same in the case of both employments, the transfer value which would have been payable had he transferred to the employment of an authority whose contributory employees participate in a different fund) and the transfer value which would be payable if calculated by reference to the person's age on ceasing to hold his last overseas employment.

PART IV

GENERAL

Effect of payment of transfer value

12. Where a person to whom part II of these rules applies ceases to hold overseas employment, and enters other employment in such circumstances that the first fund authority pay a transfer value in respect of him under interchange rules made under section 2 of the Act of 1948, the said part II shall cease to apply to him.

Entry into further overseas employment

13. Where a person to whom part II of these rules applies ceases to hold overseas employment in such circumstances that no benefit becomes payable under rule 6, the said part shall continue to apply to him if—

- (a) he enters further overseas employment within the prescribed period after leaving his former overseas employment and
- (b) before or within 6 months after entering the further overseas employment he notifies the first fund authority in writing that he desires these rules to continue to apply to him and pays to that authority an amount equal to any sum paid to him by that authority by way of return of contributions (other than voluntary contributions) on or after ceasing to hold his former overseas employment.

Return of contributions

14. Notwithstanding anything in the Act of 1937, no payment shall be made thereunder by way of a return of contributions (other than voluntary contributions) to any person who enters overseas employment in which part II of these rules has become applicable to him unless and until he ceases to hold that employment in circumstances in which he does not become entitled to a benefit under these rules.

Right of appeal

15. The provisions of section 35 of the Act of 1937 (which provides for decision of questions and appeals to the Minister) shall have effect in relation to a person who has ceased to be a contributory employee and to whom these rules have become applicable as if the reference therein to an employee of a local authority included a reference to such a person and as if the reference to regulations made under that Act included a reference to these rules:

Provided that this rule shall not apply in relation to a person who has ceased to be a local Act contributor.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

Revocations and transitional provisions

16.—(1) The rules of 1958 and the rules of 1961 are hereby revoked but, subject to the provisions of paragraph (2) of this rule, shall continue to apply in relation to any person to whom they applied before the commencement of these rules or who has before that date given notice of his election that they should apply.

(2) Where a person to whom the rules hereby revoked continue to apply by virtue of the preceding paragraph either—

- (a) transfers, or has transferred, to further employment which is not overseas employment for purposes of those rules but would be overseas employment for purposes of these rules or
- (b) re-enters or has re-entered local government employment twelve months or more after leaving overseas employment,

he may apply to the first fund authority for consent that these rules should apply to him; and if that authority consent, he shall be treated as a person to whom part II of these rules applies and as if any thing done by or in relation to him under the rules hereby revoked had been duly done under the corresponding provision of these rules.

Given under the official seal of the Minister of Housing and Local Government on 17th July 1969.

Kenneth Robinson
Minister for Planning and Land
Ministry of Housing and Local Government

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

SCHEDULE I

Rule 6(4)

REDUCTION OF BENEFITS

TABLE I

SUPERANNUATION ALLOWANCE OR RETIREMENT PENSION

<i>Age of person at date of ceasing to hold overseas employment:—</i>	<i>Percentage reduction to be made under rule 6(4) by reference to the under-mentioned minimum age at which the person would have been entitled to a retirement pension in the circumstances therein mentioned:—</i>										
	55	56	57	58	59	60	61	62	63	64	65
30 and under	74	76	77	79	80	81	82	84	85	86	87
31	72	74	76	77	79	80	81	83	84	85	86
32	71	73	75	76	78	79	80	82	83	84	85
33	70	72	74	75	77	78	79	81	82	84	85
34	68	70	72	74	75	77	78	80	82	83	84
35	67	69	71	73	74	76	77	79	81	82	83
36	65	68	70	72	73	75	76	78	80	81	82
37	63	66	68	70	72	74	75	77	79	80	82
38	62	64	66	69	71	73	74	76	78	80	81
39	60	62	65	67	70	72	73	75	77	79	80
40	58	61	63	66	68	70	72	74	76	78	79
41	56	59	61	64	66	69	71	73	75	77	78
42	54	57	59	62	65	67	69	71	73	75	77
43	51	54	57	60	63	66	68	70	72	74	76
44	49	52	55	58	61	64	67	69	71	73	75
45	46	50	53	56	59	62	65	67	69	71	73
46	43	47	51	54	57	60	63	65	67	70	72
47	40	44	48	51	55	58	61	63	65	68	71
48	36	41	45	48	52	56	59	61	63	66	69
49	32	37	42	45	49	53	56	59	61	64	67
50	28	33	38	42	46	50	53	56	59	62	65
51	23	29	34	38	43	47	50	53	57	60	63
52	18	24	30	34	39	43	47	50	54	58	61
53	13	19	25	30	35	39	44	47	51	55	58
54	7	13	20	25	31	35	40	44	48	52	55
55	—	7	14	20	26	31	36	41	45	49	52

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

<i>Age of person at date of ceasing to hold overseas employment:—</i>	<i>Percentage reduction to be made under rule 6(4) by reference to the under-mentioned minimum age at which the person would have been entitled to a retirement pension in the circumstances therein mentioned:—</i>										
	55	56	57	58	59	60	61	62	63	64	65
56	—	—	7	14	20	26	31	37	41	46	49
57	—	—	—	7	14	20	26	32	37	42	46
58	—	—	—	—	7	14	20	27	32	38	42
59	—	—	—	—	—	7	14	21	27	33	38
60	—	—	—	—	—	—	7	15	21	28	33
61	—	—	—	—	—	—	—	8	15	22	28
62	—	—	—	—	—	—	—	—	8	16	23
63	—	—	—	—	—	—	—	—	—	9	17
64	—	—	—	—	—	—	—	—	—	—	9

TABLE II

LUMP SUM OR RETIREMENT GRANT

<i>Age of person at date of ceasing to hold overseas employment:—</i>	<i>Percentage reduction to be made under rule 6(4) by reference to the undermentioned minimum age at which the person would have been entitled to a lump sum or a retirement grant in the circumstances therein mentioned:—</i>										
	55	56	57	58	59	60	61	62	63	64	65
30 and under	58	60	61	63	64	65	66	67	69	70	71
31	56	58	60	61	63	64	65	66	67	69	70
32	55	57	59	60	61	63	64	65	66	68	69
33	53	55	57	59	60	61	62	64	65	66	68
34	51	53	55	57	59	60	61	62	64	65	67
35	50	52	54	56	58	59	60	61	62	64	66
36	48	50	52	54	56	57	59	60	62	63	65
37	46	48	50	52	54	56	58	60	61	62	64
38	45	47	49	51	53	55	57	58	60	61	63
39	43	45	47	49	51	53	55	57	59	61	62
40	41	44	46	48	50	52	54	56	58	60	61
41	39	42	44	46	48	50	52	54	56	58	59
42	37	40	42	45	47	49	51	53	55	57	58
43	35	38	41	43	45	47	49	51	53	55	57
44	33	36	39	41	43	45	47	49	51	53	55
45	31	33	36	38	41	43	45	47	50	52	54

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

Age of person at date of ceasing to hold overseas employment:—	Percentage reduction to be made under rule 6(4) by reference to the undermentioned minimum age at which the person would have been entitled to a lump sum or a retirement grant in the circumstances therein mentioned:—										
	55	56	57	58	59	60	61	62	63	64	65
46	28	31	34	36	39	41	43	45	48	50	52
47	25	28	31	34	37	39	41	44	46	48	50
48	23	26	29	32	35	37	39	42	44	46	49
49	20	23	26	29	32	35	37	40	42	45	47
50	17	20	23	26	29	32	35	38	40	43	45
51	14	18	21	24	27	30	33	35	38	41	43
52	11	14	18	21	24	27	30	33	36	39	41
53	8	11	15	18	22	25	28	31	34	36	39
54	4	8	11	15	19	22	25	28	31	34	37
55	—	4	8	12	15	19	22	26	29	32	35
56	—	—	4	8	12	15	19	23	26	29	32
57	—	—	—	4	8	12	16	20	23	26	29
58	—	—	—	—	4	8	12	16	20	23	26
59	—	—	—	—	—	4	8	12	16	20	23
60	—	—	—	—	—	—	4	9	13	16	20
61	—	—	—	—	—	—	—	5	9	13	17
62	—	—	—	—	—	—	—	—	5	9	14
63	—	—	—	—	—	—	—	—	—	5	10
64	—	—	—	—	—	—	—	—	—	—	5

SCHEDULE 2

Rule 10

SURRENDER OF PART OF SUPERANNUATION BENEFIT

1. For the purpose of the exercise by a person of the right conferred by rule 10 to surrender part of a benefit, the Local Government Superannuation (Surrender of Superannuation Allowance) Rules 1954(5) shall apply, subject to the modifications made by this schedule and any other necessary modifications.

2. Rules 3(1) and (2) and 4(1) and (2) of the said rules shall not apply.

3. A person to whom paragraph (2) of rule 6 applies shall, for the purpose of the rules applied by paragraph 1 of this schedule, be deemed to cease to hold his employment at the date when he attains the greater age mentioned in that paragraph.

(5) (1954 II, p. 1701)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

4.—(1) A person who may become entitled to exercise and may desire to exercise as a retiring employee within the meaning of the said rules such right as is mentioned in paragraph 1 of this schedule may give 6 months' notice in writing to the first fund authority of the date, or probable date, on which the benefit will become payable, and that he may desire to exercise such right and shall inform them of any alteration in any date so notified.

(2) Where a person to whom this schedule applies has not given a notice under sub-paragraph (1) of this paragraph but has become entitled to exercise and may desire to exercise such right as aforesaid, he shall within 1 month after ceasing to hold his overseas employment notify the first fund authority in writing that he may desire to exercise such right as aforesaid, and of the date on which he ceased to hold that employment.

(3) A person who may become entitled to exercise and may desire to exercise as an eligible employee within the meaning of the said rules such right as is mentioned in paragraph 1 of this schedule may give 6 months' notice in writing to the first fund authority of the date on which he expects to become so entitled and that he may desire to exercise such right and shall inform them of any alteration in any date so notified.

(4) Upon receipt of the notice from a person under any of the preceding subparagraphs of this paragraph, the first fund authority shall treat the notice as if it were an application made under rule 3 of the said rules and shall accordingly furnish the person with the documents referred to in the said rule 3, the provisional estimate referred to in that rule being calculated in the case of an eligible employee as at the date on which he is expected to become an eligible employee.

(5) Not more than 1 month after receipt of the documents mentioned in the last preceding subparagraph (or in the case of an eligible employee at any time allowed by the said rules) the person may notify his desire to surrender a part of the benefit which is or may become payable to him by completing the form provided for the purpose and sending it to the first fund authority.

(6) Where the first fund authority are satisfied that owing to circumstances beyond the control of the person it has not been reasonably practicable for him to notify his desire to surrender a part of a benefit within the time limit imposed by this paragraph, they may at their discretion extend that limit to a date not more than 6 months after the date on which he ceases to hold his overseas employment.

EXPLANATORY NOTE

The Rules replace, and extend, the Superannuation (Local Government and Overseas Employment) Interchange Rules 1958 and 1961. These enable pensionable employees of local authorities who take up certain overseas appointments of a public nature to preserve the benefit of the pension rights which accrued during their local government employment. These rights are, in effect, frozen during the overseas employment. Advantage may be taken of them as follows:—

- (i) when the person concerned retires from his overseas appointment, he can receive a local government pension (but at a reduced rate if he retires and claims his pension before the appropriate retiring age in local government);
- (ii) if he returns to local government pensionable employment, from his overseas appointment, he can reckon his previous local government service for pension purposes as though there had been no break in his local government employment;
- (iii) if he becomes disabled or dies before becoming entitled to his local government pension under the Rules, payment can be made of a disability pension, widow's pension or death benefit.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

The principal changes from the previous Rules are these—

- (a) the definition of “overseas employment” has been widened to include employment with the Ministry of Overseas Development, and an organisation receiving grants, for overseas functions, from Her Majesty's Government;
- (b) the permissible length of any break between employments and the time limits for compliance with certain conditions can be extended by the authority or authorities concerned;
- (c) a person who proceeds overseas and later returns to local government employment can in certain circumstances be required to pay interest on any returned contributions held by him in the meantime.

The Rules are given limited retrospective operation under the authority of, and subject to the safeguards required by, section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948.