
 STATUTORY INSTRUMENTS

1971 No. 1879 (S.202)

PENSIONS

**The Superannuation (Policy and Local Government Schemes)
Interchange (Scotland) Amendment Rules 1971**

<i>Made</i> - - - -	11th November 1971
<i>Laid before Parliament</i>	24th November 1971
<i>Coming into Operation</i>	1st December 1971

In exercise of the powers conferred on me by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(a), as amended by section 11 of the Superannuation (Miscellaneous Provisions) Act 1967(b), and of all other powers enabling me in that behalf, I hereby make the following rules:—

Title and commencement

1.—(1) These rules may be cited as the Superannuation (Policy and Local Government Schemes) Interchange (Scotland) Amendment Rules 1971 and shall come into operation on 1st December 1971.

(2) The Superannuation (Policy and Local Government Schemes) Interchange (Scotland) Rules 1948(c) and 1955(d) and these rules may be cited together as the Superannuation (Policy and Local Government Schemes) Interchange (Scotland) Rules 1948 to 1971.

Interpretation

2. The Interpretation Act 1889(e) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

*Amendment of the Superannuation (Policy and Local Government Schemes)
Interchange (Scotland) Rules 1948*

3.—(1) The Superannuation (Policy and Local Government Schemes) Interchange (Scotland) Rules 1948, as amended (d), shall be further amended as provided in this rule.

(2) For rule 4 (which provides for deduction of contributions from remuneration) there shall be substituted the following rule—

“4. Where contributions are paid by an employing authority or body under the provisions of rule 3 or 3A of these rules in respect of any person, then—

(a) the authority or body shall deduct from the person's remuneration the amount of the contributions required by the scheme to be paid by the employee; and

(a) 1948 c. 33.

(b) 1967 c. 28.

(c) S.I. 1948/1462 (Rev. XVII, p. 582. 1948 I, p. 3319).

(d) S.I. 1955/982 (1955 II, p. 1807).

(e) 1889 c. 63.

(b) the person shall not be entitled under section 12(2) of the Local Government Superannuation (Scotland) Act 1937(a) (which provides for the reckoning as non-contributing service of any service which is not reckonable as contributing service) or any corresponding provisions of a local Act scheme to reckon any period of service as non-contributing service, or as a period of service at reduced length, if contributions have been paid in respect of that period by the employing authority or body, unless he is already entitled so to reckon that period at the commencement of the Superannuation (Policy and Local Government Schemes) Interchange (Scotland) Amendment Rules 1971.”

(3) In rule 5 (which enables payment of a transfer value in respect of a person who leaves local government employment and enters employment in which he participates in a policy scheme)—

(a) in paragraph (1)—

(i) for the words “without having become entitled in either of those capacities to a superannuation benefit” there shall be substituted the words “without having, in either of those capacities, become entitled to and received payment of a superannuation benefit”;

(ii) for the words from “a sum equal” to the words “contributory employee” there shall be substituted the words “the same transfer value as would have been payable if he had become a contributory employee under another local authority in the circumstances described in section 24 of the Local Government Superannuation (Scotland) Act 1937”; and

(iii) in the proviso, after the words “return of contributions” in both places where those words occur, there shall be inserted the words “(other than voluntary contributions)”;

(b) in paragraph (3)A—

(i) in sub-paragraph (a), for the words “leaves the employment in which he is a participant” there shall be substituted the words “ceases to participate”; and

(ii) in sub-paragraph (b), for the words “after leaving that employment” there shall be substituted the word “thereafter”.

(4) For rule 6 (which provides for the termination of entitlement) there shall be substituted the following rule—

“6. Notwithstanding anything in the Acts or any local Act scheme, when paragraph (1) of rule 5 of these rules has been applied to a person, he shall cease to be entitled to any payment out of the superannuation fund to which he was a contributor other than—

(a) a payment by way of return of voluntary contributions;

(b) a payment made pursuant to paragraph (2) of that rule; or

(c) payments by way of benefit following the application of paragraph (3) or (3)A of that rule.”

(5) At the end of the rules there shall be added the following rule—

“7.—(1) The references to 12 months in rules 3, 3A(1), 5(3) and 5(3)A(b) of these rules and to 3 months in rules 3, 3A(2) and 5(3)A(c) of these rules shall be construed as references to those periods or to such longer periods as the authority or body by whom a person is employed may in any particular case allow.

(2) The references to 12 months and to 3 months in rule 5(1) of these rules shall be construed as references to those periods or to such longer periods as the local authority maintaining a superannuation fund to which a person was a contributor and the body administering or, as the case may be, the institution participating in the relevant scheme may in any particular case agree to allow.”.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St Andrew's House,
Edinburgh.
11th November 1971.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Superannuation (Policy and Local Government Schemes) Interchange (Scotland) Rules 1948 and 1955, which provide for the preservation of the contingent superannuation rights of persons leaving superannuable local government employment and entering employment in which they become participants in the Federated Superannuation System for Universities or certain other schemes which are based on policies of insurance, and vice versa. The principal amendment gives the authorities concerned a discretion to extend the permissible length of any break between employments and the time-limit for giving certain notices. Other amendments slightly extend the classes of person to whom the main Rules can apply, and ensure that certain enactments as to the reckoning of service apply in a manner which takes into account the special position of a person subject to a policy scheme. Certain of the amendments have limited retrospective operation under the authority of, and subject to the safeguards required by, section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948.