
STATUTORY INSTRUMENTS

1955 No. 1494

**The Superannuation (Local Government and
National Health Service) Interchange Rules 1955**

PART II

TRANSFER FROM LOCAL GOVERNMENT TO NATIONAL HEALTH SERVICE

Transfer values payable to the Minister of Health

4.—(1) Where after ceasing to be employed in employment by virtue of which he was a contributory employee or local Act contributor a person becomes an officer within the prescribed time limit and without having become entitled to any benefit under the Acts of 1937 to 1953 or the local Act scheme to which he was subject, other than a return of contributions, then, if he notifies the employing authority in writing within three months after entering their employment that he desires these rules to apply to him and, if he ceased to hold his former employment before the date of the coming into operation of these rules, the authority maintaining the fund to which he was a contributor consent, the like transfer value shall be payable to the Minister of Health out of the fund to which the person was a contributor by the authority maintaining that fund as would have been payable under the Local Government Superannuation (Transfer Value) Regulations, 1954⁽¹⁾, had the person become a contributory employee, less an amount equal to any sum which the trustees of the fund may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value, and the like particulars relating to the person's previous pensionable service shall be furnished to the Minister of Health and the person as would have been given to the person if instead of becoming an officer he had become a contributory employee:

Provided that—

- (a) this rule shall not apply in relation to any person unless within three months after entering the employment of the employing authority, he furnishes them with particulars of any national service in which he has been engaged since he left his former employment and pays to them an amount equal to any sum paid to him by way of return of contributions other than voluntary contributions;
- (b) the transfer value payable in respect of a person who was entitled to reckon any service by virtue of subsection (1) of section 17 of the Act of 1937 or any corresponding provision of a local Act scheme shall be calculated as if—
 - (i) the words “not being such service as is mentioned in proviso (a) to that subsection” had been omitted from paragraph (a) of the definition of “service” in paragraph 1 of the First Schedule to the Local Government Superannuation (Transfer Value) Regulations, 1954; and
 - (ii) the reference in paragraph (b) of the said definition to paragraph (a) thereof were a reference to the said paragraph (a) as so amended;

⁽¹⁾ (1954 II, p. 1723).

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- (c) the transfer value payable in respect of a person who had been an established officer or servant within the meaning of the Act of 1909 shall be calculated as if paragraph (c) had been omitted from the definition of “service” foresaid;
- (d) the age which shall be taken into account for the purpose of calculating the transfer value under this rule in respect of a person to whom paragraph (2) of rule 3 of these rules applies, being a person who, since leaving his former employment and before entering his new employment has undergone a course of study or training, shall be his age at the date when he becomes employed as an officer.

(2) Where a transfer value is payable in respect of a person who before becoming a contributory employee or local Act contributor had been subject to the Act of 1909 and the body by whom he was last employed while subject to the Act of 1909 would, if he had become entitled to a superannuation allowance on ceasing to be employed as such contributory employee or local Act contributor, have been liable to contribute to that allowance, that body, or the appropriate authority in relation to that body shall pay to the authority maintaining the fund out of which the transfer value is payable a sum equal to the transfer value which that body or the appropriate authority aforesaid would have been liable to pay to the Minister of Health under paragraph (4) of regulation 56 of the National Health Service (Superannuation) Regulations, 1950, if that regulation had become applicable to the person on the date when he became an officer; and where that body or the appropriate authority aforesaid would in those circumstances have had in respect of any such contribution to a superannuation allowance as aforesaid a right of contribution from any other body, that other body, or if that body has been dissolved or has ceased to exercise functions as such, the appropriate authority in relation to that other body shall pay to the authority maintaining the superannuation fund aforesaid an amount equal to the transfer value which that other body or the appropriate authority aforesaid would have been liable to pay to the Minister of Health under paragraph (5) of the said regulation 56 if that regulation had become applicable to the person when he became an officer.

In this paragraph “appropriate authority” in relation to a body has the same meaning as in paragraph (15) of the said regulation 56.