
EXPLANATORY NOTE

These Rules contain provisions with respect to the superannuation rights of persons transferring between employment which is pensionable under regulations made under section 67(1) of the National Health Service Act, 1946, and pensionable local government employment. The Rules replace (with amendments which, in the main, are consequential on changes in local government superannuation law) similar provisions of the National Health Service (Superannuation) Regulations, 1950. The latter regulations are revoked on 1st October, 1955 (which is also the date of coming into operation of these Rules) by the National Health Service (Superannuation) Regulations, 1955.

Part I of the Rules contains definitions of terms used in the Rules including a definition of “the prescribed time limit”, which is the time within which movement from one pensionable employment to another must take place if the person concerned is not to lose the right to reckon in the second employment the service which was reckonable when he left the first employment. This limit is usually 12 months (or where the employee, immediately after leaving his first employment became engaged in national service, 6 months after completion of that service): but in the case of interchange between certain health service employments allowance may be made for time spent on a course of study or training if the local authority or the Minister of Health, as the case may be, is satisfied that by reason of having undertaken the course, the person is better fitted for the duties of his new employment.

Part II provides for the payment of transfer values by local authorities to the Minister of Health in respect of persons moving from pensionable local government employment to employment pensionable under the National Health Service (Superannuation) Regulations and, on any such movement taking place, enables the local authority concerned to exercise (with a view to increasing the benefits payable to or in respect of the employee on his death or retirement) certain discretionary powers. Exercise of any such discretionary powers will result in an appropriate adjustment in the transfer value payable to the Minister of Health.

Part III provides for the reckoning of previous service in the case of a person who enters pensionable local government employment after having been in employment pensionable under the National Health Service (Superannuation) Regulations.

Part IV contains miscellaneous provisions with respect to the return of contributions, the application of section 35 of the Local Government Superannuation Act, 1937 (which provides for decisions on questions and appeals to the Minister) and the preservation, on transfer from employment pensionable under the National Health Service (Superannuation) Regulations to pensionable local government employment, of rights previously enjoyed as a “designated” employee (an employee to whom before 1st April, 1939, the Local Government and Other Officers' Superannuation Act, 1922, applied) and of certain rights previously enjoyed under Part I of the Second Schedule to the Local Government Superannuation Act, 1937, by transferred poor law employees and transferred rating employees.

The Rules apply (under the authority of and subject to the safeguards required by section 2(5) of the Superannuation (Miscellaneous Provisions) Act, 1948), in the case of a person who enters one employment after the date of coming into operation of the Rules having left his previous employment before that date, but are otherwise not retrospective.