
STATUTORY INSTRUMENTS

1957 No. 2197

The Superannuation (English Local Government and Northern Ireland Health Service) Interchange Rules 1957

PART II

Transfer from English Local Government to Northern Ireland Health Service

Transfer values payable to the Ministry of Health and Local Government for Northern Ireland

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 or, before the commencement of these rules, became an officer within the prescribed time limit and without having become entitled to any benefit under the Acts of 1937 to 1953 or the Act of 1937 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 or, if he entered their employment before the date of the coming into operation of these rules, within six months after that date, 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 Ministry out of the fund to which the person was a contributor by the authority maintaining that fund as would have been payable under the Transfer Value Regulations, 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 Ministry 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 or, if he entered their employment before the commencement of these rules, within six months after that date, 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) this rule shall not apply to any person who became an officer before the commencement of these rules unless he ceased to hold his former employment not earlier than the fourth day of February, 1948;
- (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" in paragraph 1 of the First Schedule to the Transfer Value Regulations;
- (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, or if he became an officer before the date of the coming into operation of these rules, his age at that date;

- (e) the transfer value payable in respect of a person who ceased to hold his former employment more than twelve months before the date of the coming into operation of these rules shall be calculated by reference to his age at that date.

(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 if that body has been dissolved or has ceased to exercise functions as such, 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(1), if that regulation had become applicable to the person on the date when he became an officer; and where that body would 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 other 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 in relation to that other body 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.

Exercise by local authority of discretionary powers to increase benefits

5.—(1) Where a person becomes or before the commencement of these rules became an officer after having ceased to be a contributory employee or local Act contributor and these rules have become applicable in relation to him, the authority or body by whom he was employed may, within three months after the date on which they are informed by the Ministry of his notification that he desires these rules to 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 under regulation 5 of the Benefits Regulations or (if that regulation was not applicable to him) to any corresponding benefit provided under the superannuation provisions which were applicable to him in his former employment.

(2) A decision made in the exercise of any discretion under the last preceding paragraph 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 paragraph (1) of this rule the service reckonable, immediately before he left his employment, by the person in whose favour the discretion has been exercised shall be deemed to have been correspondingly increased and the transfer value payable in respect of that person shall be calculated accordingly.

(1) (1950 I, p. 1327)

(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 a higher rate of benefit into years of contributing service or service for the purposes of the relevant local Act scheme in the manner in which fractions of remuneration are converted into years of contributing service under subsection (4) of section 2 of the Act of 1953.

(5) Where the amount of any transfer value payable under the last preceding rule is increased in consequence of the exercise by an authority or body of any power conferred upon them by paragraph (1) of this rule, that authority or body shall repay the amount of the said increase to the superannuation fund out of which the transfer value is payable.