1957 No. 1222

The Superannuation (Civil Service and Northern Ireland Health Service) Transfer Rules, 1957

Made - - - -	10*th July*, 1957
Laid before Parliament	12*th July*, 1957
Coming into Operation	13*th July*, 1957

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred upon Them by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(a), and of all other powers enabling Them in that behalf, hereby make the following Rules:—

PART I—GENERAL PROVISIONS

1.—(1) These Rules may be cited as the Superannuation (Civil Service and Northern Ireland Health Service) Transfer Rules, 1957.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) These Rules shall come into operation on the thirteenth day of July, nineteen hundred and fifty-seven.

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

(*a*) the following expressions have the meanings hereby respectively assigned to them:—

"the Act" means the Superannuation (Miscellaneous Provisions) Act, 1948;

"the Ministry" means the Ministry of Health and Local Government for Northern Ireland;

"national service", in relation to any person, means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(c), and includes any period immediately following the termination thereof during which (with the consent of the authority by whom he was employed before undertaking that service) the person continues in similar service;

"Northern Ireland Health Service employment", in relation to any person, means employment by virtue of which that person is entitled to participate in the superannuation benefits provided by the Northern Ireland Regulations;

"the Northern Ireland Regulations" means the Health Services (Superannuation) Regulations (Northern Ireland), 1954;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1950;

(a) 11 & 12 Geo. 6. c. 33. (b) 52 & 53 Vict. c. 63. (c) 14 & 15 Geo. 6. c. 65.

(*b*) the following expressions have the meanings respectively assigned to them by the Act:—

"civil servant";

"pension"; and

"pensionable employment".

(2) Any reference in these Rules to the provisions of any enactment, rules or regulations, shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment, rules or regulations.

PART II—PROVISIONS RELATING TO PERSONS TRANSFERRING FROM THE NORTHERN IRELAND HEALTH SERVICE TO THE CIVIL SERVICE

3.—(1) This part of these Rules shall apply to any person who—

(*a*) becomes employed as a civil servant within twelve months after ceasing to be employed in Northern Ireland Health Service employment, or, having become engaged in national service immediately after ceasing to be employed in Northern Ireland Health Service employment, becomes employed as a civil servant within six months after the termination of such national service; and

(*b*) has not become entitled to a pension other than a return of contributions under the Northern Ireland Regulations; and

(*c*) within three months after the date on which he becomes employed as a civil servant or within six months after the coming into operation of these Rules, whichever period last expires, notifies the Department in which he is employed that he desires these Rules to apply to him, and furnishes such Department with particulars of his previous pensionable employment.

(2) This part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed in Northern Ireland Health Service employment or became employed as a civil servant before the coming into operation of these Rules:

Provided that he has not ceased to be employed as a civil servant before the coming into operation of these Rules.

(3) In this part of these Rules a person to whom this part of these Rules applies is referred to as "the officer".

4.—(1) If the Treasury receive from the Ministry a transfer value calculated in accordance with a method approved by the Treasury in respect of the service which the officer was entitled to reckon for superannuation purposes immediately before he ceased to be employed in Northern Ireland Health Service employment—

(*a*) such part of the officer's service as was reckonable, immediately before he ceased to be employed in Northern Ireland Health Service employment, for the purposes of the Northern Ireland Regulations as contributing service shall be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant; and

(*b*) such part of the officer's service as was reckonable, immediately before he ceased to be employed in Northern Ireland Health Service employment, for the purposes of the Northern Ireland Regulations as non-contributing service shall, as to one half of the period thereof, be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

Provided that for the sole purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him, but not for the purpose of calculating the amount of any such pension:—

(*a*) such part of the officer's service as was reckonable as non-contributing service shall, as to the whole period thereof, be reckoned as service in the capacity of a civil servant; and

(*b*) any service which under the Northern Ireland Regulations was reckonable solely for the purpose of determining whether any pension was payable to or in respect of him, but not for the purpose of calculating the amount of any such pension, shall be reckoned as service in the capacity of a civil servant.

(2) Where the officer has, during his service in Northern Ireland Health Service employment, been employed in a part-time capacity, the period of his part-time service shall be treated for the purposes of these Rules as though it were whole-time service for a proportionately reduced period.

5.—(1) Where the officer was, at the time when he ceased to be employed in Northern Ireland Health Service employment, in the course of making additional contributory payments as a condition of being entitled to reckon any period of non-contributing service as contributing service, he shall be entitled, when giving notice to the Department in pursuance of sub-paragraph (*c*) of paragraph (1) of Rule 3 of these Rules, to elect that this Rule shall apply to him.

(2) If he does so elect,

(*a*) he shall, within three months after the date on which he becomes employed as a civil servant or within six months after the coming into operation of these Rules, whichever period last expires, or within such longer period as the Treasury may allow in any particular case, pay to the Treasury

(i) a sum equal to any sum paid to him by way of return of such payments on or after ceasing to be employed in Northern Ireland Health Service employment, and

(ii) a sum equal to the aggregate of the additional contributions which he would have been liable to pay if he had remained in Northern Ireland Health Service employment;

(*b*) the service in respect of which he was making additional contributory payments shall be reckonable for the purposes of the Superannuation Acts in the manner in which it would by virtue of these Rules have been reckonable if, immediately before he ceased to be employed in Northern Ireland Health Service employment, he had been under no further liability in respect of such payments.

(3) If he does not so elect, or if he fails to pay any sum payable to the Treasury under paragraph (2) of this Rule, then, for the purpose of the Superannuation Acts, account shall be taken of the service in respect of which the payments were made only to the extent to which, by virtue of these Rules, account would have been taken of that service if he had not been in the course of making such payments when he ceased to be employed in Northern Ireland Health Service employment.

6. Where the officer had before becoming a civil servant been engaged in national service, the period of service which under Rule 4 of these Rules becomes reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant shall be treated as being increased by the period of such national service to the extent (if any) to which the said period of national service would have been reckonable as contributing service, and by one half of the period of such national service to the extent (if any) to which the said period of national service would have been reckonable as non-contributing service, if he had again become employed in Northern Ireland Health Service employment on the termination of such national service:

Provided that this Rule shall not apply in any case in which a period of national service would have been so reckonable as aforesaid unless the transfer value received by the Treasury under Rule 4 of these Rules is calculated so as to include the liability of which the Ministry is relieved in respect of the said period of national service.

7. Where the officer ceases to be employed as a civil servant in circumstances which do not render him eligible for a superannuation allowance under the Superannuation Acts, the Treasury may, provided that he has not been dismissed in consequence of an offence of a fraudulent character or of grave misconduct, pay to or in respect of him whichever is the greater of the following sums:—

(*a*) a sum equal to the sum which might have been paid to or in respect of him by way of a return of contributions and any interest thereon under the Northern Ireland Regulations, if when he ceased to be employed in Northern Ireland Health Service employment he had ceased to be so employed in similar circumstances; or

(*b*) such a sum as the officer may be eligible to receive or as may be paid in respect of him under the Superannuation Acts by way of a short service gratuity or a death gratuity.

PART III—PROVISIONS RELATING TO PERSONS TRANSFERRING FROM THE CIVIL SERVICE TO THE NORTHERN IRELAND HEALTH SERVICE

8.—(1) This part of these Rules shall apply to any person who—

(*a*) becomes employed in Northern Ireland Health Service employment within twelve months after ceasing to be employed as a civil servant; and

(*b*) has before changing his employment as aforesaid obtained the consent of the Head of the Department in which he was serving; and

(*c*) has not become eligible for a pension under the Superannuation Acts; and

(*d*) within three months after the date on which he becomes employed in Northern Ireland Health Service employment or within six months after the coming into operation of these Rules, whichever period last expires, notifies the authority by whom he is employed that he desires these Rules to apply to him.

(2) This part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed as a civil servant or became

employed in Northern Ireland Health Service employment before the coming into operation of these Rules or before the passing of the Act;

Provided that—

(*a*) he has not ceased to be employed in Northern Ireland Health Service employment before the coming into operation of these Rules; and

(*b*) the Treasury consent.

(3) In this part of these Rules a person to whom this part of these Rules applies is referred to as "the officer".

9. If the Treasury are satisfied that the officer will be entitled under the Northern Ireland Regulations to reckon as service for the purposes of those Regulations such of his service as is reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant, the Treasury may, upon these Rules becoming applicable to the officer, pay to the Ministry a transfer value calculated in accordance with a method approved by the Treasury in respect of such of the officer's service as is reckonable as aforesaid.

10. Where under Rule 5 of these Rules or any similar Rule the officer was in course of paying, but had not completed paying, to the Treasury sums equal to additional contributory payments, there shall be deducted from the transfer value payable under the last preceding Rule the value of the sums which he would have been liable to pay to the Treasury had he continued to be employed as a civil servant, and the right to receive those sums shall be transferred to the Ministry.

Dated this 10th day of July, 1957.

Martin Redmayne,
Anthony Barber,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

The purpose of these Rules is to provide for the aggregation of service and a single superannuation award for persons who transfer from pensionable service in the Northern Ireland Health Service to established posts in the Civil Service and vice versa. Those who transfer can reckon the whole of their service for pension under the superannuation system to which they transfer, subject to the payment of transfer values (calculated on tables approved by the Treasury) by the previous employer in respect of the former service. The Rules have retrospective effect.