INTERCHANGE RULES

1960 No. 819

The Superannuation (Civil Service and Northern Ireland Local Government) Transfer Rules, 1960

Made - - - -	6*th May*, 1960
Laid before Parliament	11*th May*, 1960
Coming into Operation	12*th May*, 1960

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

TRANSFERS FROM THE NORTHERN IRELAND LOCAL GOVERNMENT SERVICE TO THE CIVIL SERVICE

1.—(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 a pensionable employee of a Northern Ireland local authority, or, having become engaged in national service immediately after ceasing to be such an employee, 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 pension scheme administered by the Committee or the Corporation, as the case may be; 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 any national service in which he has become engaged after ceasing to be employed by the Northern Ireland local authority; and

(*d*) if he has received any payment by way of a return of contributions (other than voluntary contributions) on or after ceasing to be in the employment of the Northern Ireland local authority, pays a sum equal to such payment to the Treasury 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.

(2) This Part of these Rules shall apply to such person as aforesaid notwithstanding that he ceased to be employed by a Northern Ireland local authority or became employed as a civil servant before the coming into operation of these Rules:

(a) 11 & 12 Geo. 6. c. 33.

Provided that—

(*a*) he ceased to be employed by the Northern Ireland local authority not earlier than the first day of April, nineteen hundred and fifty;

(*b*) he has not ceased to be employed as a civil servant before the coming into operation of these Rules; and

(*c*) the Committee or the Corporation, as the case may be, consents to these Rules applying to him.

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

2.—(1) If the Treasury receive from the Committee or the Corporation, as the case may be, 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, or is deemed to have been entitled to reckon, for the purposes of the pension scheme administered by the Committee or the Corporation, as the case may be, immediately before he ceased to be employed by the Northern Ireland local authority, less an amount equal to any sum which the Committee or the Corporation may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value—

(*a*) such part of the officer's service as was reckonable, or is deemed to have been reckonable, immediately before he ceased to be so employed, as contributing service for the purposes of such pension scheme 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 so employed, as non-contributing service for the purposes of such pension scheme 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, there shall be reckoned as service in the capacity of a civil servant—

(i) the whole period of such part of the officer's service as was reckonable as non-contributing service; and

(ii) any service which under the said pension scheme 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.

(2) Where the officer has, during his service as a pensionable employee of a Northern Ireland local authority, 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.

3.—(1) Where the officer was, at the time when he ceased to be a pensionable employee of a Northern Ireland local authority, in the course of making payments (other than those to which paragraph (2) of this Rule applies) by way of—

(*a*) instalments in discharge of a fixed sum; or

(*b*) contributions of a fraction or percentage of emoluments additional to the percentage payable in respect of current service,

as a condition of being entitled to reckon the service in relation to which those payments were being made as a period of service for the purposes of the pension scheme administered by the Committee or the Corporation, or as a condition of increasing the length at which the said service would be reckonable for the purpose of calculating a benefit under the said pension scheme, he shall be entitled, when giving notice to the Department in pursuance of sub-paragraph (*c*) of paragraph (1) of Rule 1 of these Rules, to elect to continue those payments in the manner provided by this paragraph, and—

(i) if he does so elect, and pays forthwith to the Treasury a sum equal to any sum paid to him by way of a return of such payments on or after ceasing to be a pensionable employee of a Northern Ireland local authority, he shall be liable to pay the outstanding payments to the Treasury in the manner in which and at the times at which they would have been payable by him if he had remained such an employee, and, if he makes those payments, the service in respect of which they are made 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 such an employee, he had been under no further liability in respect of such payments;

(ii) if he does not so elect, or if he fails to pay any sum payable to the Treasury under sub-paragraph (i) of this paragraph, then, for the purposes of the Superannuation Acts, account shall be taken of the service in respect of which the payments were made only to the extent (if any) 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 such an employee.

(2) Where the officer was, at the time when he ceased to be a pensionable employee of a Northern Ireland local authority, in the course of making payments in respect of added years, he shall be entitled, when giving notice to the Department in pursuance of sub-paragraph (*c*) of paragraph (1) of Rule 1 of these Rules, to elect to continue to make the like payments to the Treasury in respect of the said added years as he would have been liable to make to the Committee or the Corporation, and, if he does so elect and repays forthwith to the Treasury a sum equal to any sum paid to him by way of a return of any such payments on or after ceasing to be a pensionable employee of a Northern Ireland local authority, he shall be liable to make payments to the Treasury in respect of the said added years in the manner in which and at the times at which he would have been liable to make them if he had remained such an employee, and, if he makes those payments, he shall be entitled to have the added years reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

Provided that—

(*a*) the said added years shall not be reckonable for the purposes of the Superannuation Acts if the officer ceased to be an employee of a Northern Ireland local authority in such circumstances that in consequence of a resolution of the authority he ceased to be entitled to reckon the added years; and

(*b*) no account shall be taken of added years for the 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.

4. Where the officer had before becoming a civil servant been engaged in national service, the period of service which, under Rule 2 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 for the purposes of the pension scheme to which he was subject as a pensionable employee of a Northern Ireland local authority, if he had again become such an employee 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, unless the transfer value received by the Treasury under Rule 2 of these Rules is calculated so as to include the liability of which the Committee or the Corporation, as the case may be, is relieved in respect of the said period of national service.

5. 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 pension scheme administered by the Committee or the Corporation, as the case may be, if when he ceased to be a pensionable employee of a Northern Ireland local authority he had ceased to be such an employee 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 II

TRANSFERS FROM THE CIVIL SERVICE TO THE NORTHERN IRELAND LOCAL GOVERNMENT SERVICE

6.—(1) This Part of these Rules shall apply to any person who—

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

(*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 a pensionable employee of a Northern Ireland local authority or within six months after the coming into operation of these Rules, whichever period

last expires, notifies the Committee or the Corporation, as the case may be, that he desires these Rules to apply to him, and furnishes them with particulars of any national service in which he has become engaged after ceasing to be employed as a civil servant.

(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 a pensionable employee of a Northern Ireland local authority before the coming into operation of these Rules:

Provided that—

(*a*) he ceased to be employed as a civil servant not earlier than the first day of April, nineteen hundred and forty-nine; and

(*b*) he has not ceased to be a pensionable employee of a Northern Ireland local authority before the coming into operation of these Rules; and

(*c*) the Treasury consent to these Rules applying to him.

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

7. If the Treasury are satisfied that the officer will be entitled, under the pension scheme administered by the Committee or the Corporation, as the case may be, to reckon as service for the purposes of that pension scheme 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 Committee or the Corporation, as the case may be, 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.

PART III

GENERAL AND SUPPLEMENTAL PROVISIONS

8.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

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

"added years" means, in relation to a pensionable employee of a Northern Ireland local authority, any additional years of service reckonable by him under the provision in that behalf contained in the pension scheme administered by the Committee or the Corporation, as the case may be, and includes any additional years of service which, having been granted under any similar provision contained in any other scheme or any enactment, have subsequently become reckonable in his employment as a pensionable employee of a Northern Ireland local authority;

"civil servant" has the meaning assigned to it by subsection (1) of section 17 of the Act;

"the Committee" means the Northern Ireland Local Government Officers' Superannuation Committee;

"the Corporation" means the Lord Mayor, Aldermen and Citizens of the City of Belfast acting by the Council, and includes a Committee thereof;

"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(a), 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 local authority" means the Corporation and any employing authority within the meaning of the Regulations made by the Ministry of Health and Local Government for Northern Ireland under subsection (1) of section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950;

"pension" has the meaning assigned to it by subsection (1) of section 17 of the Act;

"pensionable employee", in relation to a Northern Ireland local authority, means an employee who has been duly admitted to participate in the benefits of the pension scheme administered by the Committee or the Corporation, as the case may be;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1950, and any Act amending those Acts;

"voluntary contributions" means, in relation to a person who has ceased to be a pensionable employee of a Northern Ireland local authority, payments (other than completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) of any of the following categories:—

(i) additional contributory payments made as a condition of the person's being entitled to reckon the service in relation to which the payments are made as a period of service for the purposes of the pension scheme administered by the Committee or the Corporation, as the case may be, or as a condition of increasing the length at which the service would be reckonable for the purpose of calculating a benefit under the said pension scheme;

(ii) any payments made in respect of added years; or

(iii) any payments of a similar nature which, having been commenced in a previous employment, were continued in his employment as a pensionable employee of a Northern Ireland local authority.

(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.

10. These Rules may be cited as the Superannuation (Civil Service and Northern Ireland Local Government) Transfer Rules, 1960, and shall come into operation on the twelfth day of May, nineteen hundred and sixty.

Dated this 6th day of May, nineteen hundred and sixty.

Michael Hughes-Young,
R. Brooman-White,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) 14 & 15 Geo. 6. c. 65.

(b) 52 & 53 Vict. c. 63.

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 in cases where persons transfer from employment which is superannuable under the Local Government (Superannuation) Regulations (Northern Ireland), 1950, to established posts in the Civil Service or 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.

Under the powers of section 2 (5) of the Superannuation (Miscellaneous Provisions) Act, 1948, the Rules apply, subject to certain conditions, to persons who have transferred from one employment to the other before the coming into operation of the Rules.