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STATUTORY INSTRUMENTS

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**1957 No. 1155**

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

**PART III**

**Transfer from the Civil Service of Northern Ireland to Local Government Service**

**Reckoning of previous service**

5. Subject as hereinafter provided, where a person becomes, or before the date of the coming into operation of these rules became, employed in local government service within a period of twelve months after ceasing to be a civil servant, or, if immediately after ceasing to be a civil servant he became engaged in national service, within a period of six months after the termination of that service, and without having been granted a pension under the Superannuation Acts, then, if the authority maintaining the fund to which he becomes or first became a contributor receive from the Ministry of Finance a transfer value of an amount equal to the transfer value which would have been payable under the transfer value regulations if the officer, instead of having ceased to be a civil servant, had ceased to be a contributory employee, the period of his service which for the purposes of the Superannuation Acts was reckonable as service in the capacity of a civil servant shall be reckoned as contributing service for the purposes of the Act of 1937, or as service or as a period of contribution for the purposes of the local Act scheme, as the case may be; and any period of service of which account would have been taken for the purpose of determining whether he 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 shall, to the same extent, be reckonable for the purpose of determining whether any benefit is payable to or in respect of him as a contributory employee or local Act contributor:

Provided that—

- (a) this rule shall not apply to any person unless within three months after entering his new employment or within six months after the date of the coming into operation of these rules, whichever period last expires, he notifies in writing the authority maintaining the superannuation fund to which he is or, as the case may be, first became a contributor that he desires these rules to apply to him and furnishes them with particulars of any national service in which he has been engaged since leaving his former employment;
- (b) this rule shall not apply to any person who became a contributor to a superannuation fund maintained by a local authority before the date of the coming into operation of these rules unless he ceased to be a civil servant not earlier than the first day of April, 1950;
- (c) if any part of the service which he would become entitled to reckon as contributing service by virtue of the preceding provisions of this rule is attributable to service which before he became a civil servant was non-contributing service under the Act of 1937 or under a local Act scheme that service shall be reckonable in his new employment in the manner and to the extent to which it would have been reckonable if in his employment as a civil servant he had been a contributory employee.

### **Provisions with respect to breaks in service**

6. In determining whether for the purposes of the last preceding rule—
- (a) a person has become employed in local government service within a period of twelve months after ceasing to be a civil servant or within a period of six months after the termination of his national service; or
  - (b) a person has become engaged in national service immediately after ceasing to be a civil servant,

the whole or part of any period which, after ceasing to be a civil servant, the person has spent on a course of study or training approved by the Ministry of Finance shall, if the Ministry of Finance so direct, be disregarded:

Provided that this rule shall not apply to any person unless the authority or body employing him in his new employment are satisfied that by reason of his having undertaken the said course of study or training he is better fitted for the duties of that employment.

### **Reckoning of national service**

7. Where after ceasing to be a civil servant and before entering his new employment a person to whom rule 5 of these rules has become applicable had been engaged in national service the period of service which he becomes entitled to reckon under the said rule shall be treated as being increased to the extent (if any) to which the said period of national service would have been reckonable as service for the purposes of the Superannuation Acts had the person again become a civil servant on the termination of such national service:

Provided that this rule shall not apply unless the transfer value received from the Ministry of Finance under rule 5 of these rules was calculated so as to include the liability of which the said Ministry was relieved in respect of the said period of national service.

### **Continuation of payments made with a view to adding to, or enhancing the value of, previous service**

8.—(1) Where any person to whom rule 5 of these rules has become applicable was, at the time when he ceased to be employed as a civil servant, 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 any 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 reckonable service for the purposes of the Superannuation Acts, 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 Superannuation Acts, he shall be entitled, if he repays forthwith to the authority maintaining the superannuation fund to which he is a contributor in his new employment a sum equal to any sum paid to him by way of return of such payments on or after ceasing to be employed as a civil servant, to make payments and, in respect of the service in respect of which the payments were being made, shall enjoy rights and be subject to liabilities as if in his previous employment he had been, instead of a civil servant, a local Act contributor.

(2) Where any person to whom rule 5 of these rules has become applicable was in the course of making payments in respect of added years he shall be entitled, if he repays forthwith to the authority maintaining the superannuation fund to which he is a contributor in his new employment a sum equal to any sum paid to him by way of return of such payments as aforesaid on or after ceasing to be employed as a civil servant, to pay the outstanding payments in the manner in which they would have

been payable if he had remained in his employment as a civil servant and, in respect of the added years in respect of which those payments are made, shall enjoy rights and be subject to liabilities as if those years were added years in respect of which payments are being made in his new employment under regulation 12 of the benefits regulations or, if in his new employment he is subject to a local Act scheme, under such provisions corresponding to the said regulation 12 or to regulation 5 of the Local Government Superannuation (Reckoning of Service on Transfer) Regulations, 1954(1), as are contained in that scheme.