1972. No. 87 **[C]**

SUPERANNUATION

Interchange between the Civil Service of Northern Ireland and the Teaching Service in Scotland

RULES, DATED 23RD MARCH 1972, MADE BY THE MINISTRY OF FINANCE UNDER SECTIONS 33 AND 34 OF THE SUPERANNUATION ACT (NORTHERN IRELAND) 1967.

The Ministry of Finance, in exercise of the powers conferred on it by sections 33 and 34 of the Superannuation Act (Northern Ireland) 1967(**a**), and of all other powers enabling it in that behalf, hereby makes the following rules:—

PART I

GENERAL

Citation and commencement

1. These rules may be cited as the Superannuation (Civil Service of Northern Ireland and Teaching Service in Scotland) Interchange Rules (Northern Ireland) 1972 and shall come into operation on 1st May 1972.

Revocation

2. The Superannuation (Teaching Service in Scotland and Civil Service of Northern Ireland) Interchange Rules (Northern Ireland) 1962(**b**) are hereby revoked:

Provided that the rules hereby revoked shall continue to apply in relation to any person who, before 1st February 1969, became employed in contributory service or as a civil servant within the meaning of those rules in like manner as they would have applied if these rules had not been made.

Interpretation

3. In these rules—

"the Act" means the Superannuation Act (Northern Ireland) 1967;

"civil servant" means a person serving in an established capacity in the permanent civil service of Northern Ireland;

"contributing service" and "contributory employee" have the same respective meanings as in the Local Government Superannuation (Scotland) Acts 1937 to 1953;

"the Ministry" means the Ministry of Finance for Northern Ireland;

"national service" means, in relation to any person, service which is relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**c**), and any similar service immediately following relevant service entered into with the consent of the Department in which he last served or of the body or person by whom he was last employed before undertaking the service;

(**a**) 1967. c. 24 (N.I.).
(**b**) S.R. & O. (N.I.) 1962, No. 77.
(**c**) 14 & 15 Geo. 6. c. 65.

"pension" has the meaning assigned to it by section 33(7) of the Act;

"prescribed period" has the meaning assigned to it by rule 4;

"reckonable teaching service" means reckonable service within the meaning of the Teachers Superannuation (Scotland) Act 1968(**d**);

"the Secretary of State" means one of Her Majesty's Principal Secretaries of State;

"the Superannuation Acts" means the Superannuation Acts (Northern Ireland) 1967 and 1969;

"the Teachers Regulations of 1957" means the Teachers (Superannuation) (Scotland) Regulations 1957(**e**) as amended(**f**);

"the Teachers Regulations of 1969" means the Teachers Superannuation (Scotland) Regulations 1969(**g**) as amended(**h**);

"the Teachers Schemes" means the Superannuation Scheme for Teachers in Scotland dated 5th June 1919(**i**), the Superannuation Scheme for Teachers (Scotland) 1926(**j**) and the Superannuation Scheme for Teachers (Scotland) 1952(**k**);

"teaching service" means—

(*a*) reckonable teaching service; and

(*b*) service which for the purposes of the Teachers Regulations of 1969 is service as an organiser;

"transfer value" has the same meaning as "accrued superannuation value" as that expression is defined in the Act.

Prescribed period

4.—(1) For the purposes of these rules, subject as hereafter in this rule provided, the expression "prescribed period" shall mean—

(*a*) in the case of a person who, immediately after ceasing to be employed in teaching service or to be a civil servant, became engaged in national service, a period of six months after the date of the termination of the national service; and

(*b*) in the case of any other person, a period of twelve months after the date on which he ceased to be employed in teaching service or to be a civil servant.

(2) The Ministry in the case of a person becoming a civil servant and the Secretary of State in the case of a person entering teaching service may, with the agreement of the other, in any particular case extend any period specified in paragraph (1).

(3) In reckoning the periods of six months and twelve months specified in paragraph (1) in the case of a person who in his new employment is in teaching service no account shall be taken of any period spent by him on a course of study or training after ceasing to be a civil servant if—

(*a*) his undertaking the said course was approved by the Ministry; and

(*b*) the Secretary of State is satisfied that by reason of his having undertaken the said course he is better fitted for the duties of his new employment.

(**d**) 1968. c. 12.
(**e**) S.I. 1957, No. 356.
(**f**) S.I. 1958, No. 1595; 1963, No. 2111; 1965, No. 1166; 1966, No. 1229; 1967, No. 1736.
(**g**) S.I. 1969, No. 77.
(**h**) S.I. 1969, No. 659; 1971, No. 1995.
(**i**) S.R. & O. 1919, No. 1105.
(**j**) S.R. & O. 1926, No. 363.
(**k**) S.I. 1952, No. 464.

PART II

TRANSFER FROM TEACHING SERVICE TO CIVIL SERVICE

Application

5.—(1) This part shall apply to a person who—

(*a*) on or after 1st February 1969 and within the prescribed period after ceasing to be employed in teaching service, becomes or has become a civil servant; and

(*b*) has not received payment of any pension (other than repayment of contributions) under the Teachers Schemes, the Teachers Regulations of 1957 or the Teachers Regulations of 1969; and

(*c*) within three months after becoming a civil servant or within such longer period as the Ministry with the agreement of the Secretary of State may in any particular case allow notifies the Ministry in writing that he desires this part to apply to him and furnishes the Ministry with particulars in writing of his teaching service; and

(*d*) is a person in respect of whom the Ministry receives from the Secretary of State a transfer value calculated in accordance with a method approved by the Ministry.

(2) In this part a person to whom this part applies is referred to as "the officer".

Reckoning of service

6.—(1) The periods of the officer's reckonable teaching service and of his service reckonable for the purposes of Part VII of the Teachers Regulations of 1969 which are taken into account in calculating the transfer value paid by the Secretary of State to the Ministry shall, subject to the provisions of this part, be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

Provided that any period of such service which was not reckonable for the purpose of determining whether the officer had served for the minimum period prescribed by the Teachers Regulations of 1969 as necessary for any pension to be paid to him shall not be reckoned as service in the capacity of a civil servant 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.

(2) Any other period of service reckonable under the Teachers Regulations of 1969 only for the purpose of determining whether the officer had served for the minimum period necessary for any pension to be payable to or in respect of him shall to the same extent be reckoned only for the corresponding like purpose under the Superannuation Acts.

Continuation of voluntary contributions

7.—(1) Where the officer was at the time when he ceased to be employed in teaching service in the course of paying voluntary contributions under regulation 31 of the Teachers Regulations of 1969 or other voluntary contributions being paid under similar provisions as a condition of actual service being increased by the addition of any other period and has not received a return of such contributions, he shall be entitled, when giving notice to the Ministry in pursuance of rule 5(1)(*c*), to elect to continue to make the same payments to the Ministry as he would have been liable to make to the Secretary of State and if