1971. No. 377 **[C]**

EDUCATION

SUPERANNUATION

Interchange between the Teaching Service in Northern Ireland and the Civil Service of the United Kingdom

RULES, DATED 17TH DECEMBER 1971, MADE BY THE MINISTRY OF EDUCATION UNDER SECTIONS 12A AND 12B, OF THE TEACHERS (SUPERANNUATION) ACT (NORTHERN IRELAND) 1950 WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

The Ministry of Education (hereinafter referred to as "the Ministry") in exercise of the powers conferred on it by Sections 12A and 12B of the Teachers (Superannuation) Act (Northern Ireland) 1950(**a**), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following rules:—

PART 1

GENERAL

Citation and commencement

1. These Rules may be cited as the Superannuation (the Teaching Service in Northern Ireland and the Civil Service of the United Kingdom) Interchange Rules (Northern Ireland) 1971, and shall come into operation on the 17th day of December 1971.

Interpretation

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

"the Act" means the Teachers (Superannuation) Act (Northern Ireland) 1950;

"the Teachers Acts" means the Teachers (Superannuation) Acts (Northern Ireland) 1950 to 1967;

"the Superannuation Acts" means the Superannuation Acts 1965(**b**) and 1967(**c**);

"teacher" includes any person who is treated as a teacher for the purposes of the Teachers Acts;

"civil servant" has the meaning assigned to it by section 98 of the Superannuation Act 1965;

"contributions" means contributions payable by or in respect of a teacher under the Teachers Acts other than family benefits contributions;

"contributory service" and "recognised service" have the same meanings respectively as they have under the Teachers Acts except that they do not include—

(*a*) service which is treated as recognised or contributory service under Section 13(2)(*g*) of the Act; or

(a) 1950. c. 33. (b) 1965. c. 74. (c) 1967. c. 28.

(*b*) service which, under the provisions of any scheme made under Section 42(1) of the Act, is treated in the same manner as service which is approved external service under Section 13 of the Act; or

(*c*) service in respect of which the person in question has received a return of contributions under the Teachers Acts (not being a return of contributions after last ceasing to be employed in recognised or contributory service) which he has not subsequently repaid to the Ministry under the proviso to Section 10(2) of the Act; or

(*d*) service which is treated as recognised or contributory service merely for the purpose of determining whether the person in question has completed the period of service required by the Teachers Acts as necessary for any superannuation benefit to be paid to or in respect of him or merely for that purpose and for the purpose of assessing his average salary under those Acts;

"the Minister" means the Minister for the Civil Service;

"national service" in relation to any person, means service which is relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(**d**) and includes any period immediately following the termination thereof during which the person with the consent of the authority or body by whom he was employed before undertaking such service, continues in similar service;

"superannuation benefit" has the meaning assigned to it by the Act;

"pension" has the meaning assigned to it by Section 17(1) of the Superannuation (Miscellaneous Provisions) Act 1948(**e**);

"contributing service" and "contributory employee" have the meanings respectively assigned to them by the Local Government Superannuation Act 1937(**f**);

"teaching service" means contributory or recognised service;

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

PART II

TRANSFERS FROM TEACHING SERVICE TO THE CIVIL SERVICE OF THE UNITED KINGDOM

Payment of transfer value

3. Where a person becomes, or before the date of the coming into operation of these Rules became, a civil servant within twelve months of ceasing to be employed in teaching service or within such longer period as the Ministry may in any particular case allow, a transfer value in respect of his teaching service shall, except as in these Rules provided, be paid by the Ministry to the Minister in accordance with the provisions of Rule 8 of these Rules.

Cases to which Rules do not apply

4.—(1) This Part of these Rules shall not apply—

(*a*) to a person who has become entitled to a superannuation benefit (other than a return of contributions) under the Teachers Acts and has been granted such benefit; or

(**d**) 14 & 15 Geo. 6. c. 65.
(**e**) 11 & 12 Geo. 6. c. 33.
(**f**) 1 Edw. 8 & 1 Geo. 6. c. 68.

(*b*) to a person who last ceased to be employed in recognised service before 1st April 1950; or

(*c*) to a person who became a civil servant not earlier than 1st April 1950 and before the date of the coming into operation of these Rules, unless he is a civil servant on the latter date and the Ministry agrees that this Part of these Rules shall apply to him; or

(*d*) to a person who does not, within three months after the date on which he becomes a civil servant or within six months after the date of the coming into operation of these Rules, whichever is the later date, or within such longer period as the Ministry may allow in any particular case, give notice in writing to the department in which he is employed that he desires this Part of these Rules to apply to him, and furnishes that department with particulars of his teaching service; or

(*e*) to a person who does not, within three months after the date on which he becomes a civil servant or within six months after the date of the coming into operation of these Rules, whichever is the later date, or within such longer period as the Ministry may allow in any particular case, pay to the Minister an amount equal to any return of contributions made to him under the Teachers Acts after he last ceased to be employed in teaching service together with compound interest thereon calculated at the rate of $3\frac{1}{2}\%$ per annum with yearly rests from the date when he received the payment by way of return of contributions to the date when he makes the payment to the Minister.

(2) Where a person who makes a payment to the Minister in accordance with paragraph (1)(e) above became employed as a civil servant more than twelve months before the date of the coming into operation of these Rules or more than twelve months after ceasing to be employed in Northern Ireland teaching employment, the interest payable under paragraph (1)(e) above shall not exceed the sum equal to one-half of the difference between the transfer value payable under these Rules and the transfer value which would be payable if calculated by reference to his age on ceasing to be employed in Northern Ireland teaching service.

Outstanding contributions for war service and relevant service

5. Where the teaching service of a person to whom this Part of these Rules applies includes a period of war service within the meaning of the Teachers' Salaries and Superannuation (War Service) Act (Northern Ireland) 1939(**g**) or a period of relevant service within the meaning of the Teachers Superannuation (Service in the Reserve and Auxiliary Forces) Rules (Northern Ireland) 1958(**h**), but any sum in respect of contributions in respect of the whole or any part of such war service or relevant service payable by that person in accordance with the aforesaid Act or the aforesaid Rules has not been paid to the Ministry at the date on which the Ministry pays the transfer value in respect of that person under this Part of these Rules, then—

(*a*) the right to receive the sum outstanding shall be, and is hereby, transferred to the Minister; and

(*b*) unless the said sum is paid by that person to the Minister within such time as the Minister shall require, the period of service in respect of which the payment is not made shall be treated as not having been a period of teaching service.

(**g**) 2 & 3 Geo. 6. c. 33 (N.I.). (**h**) S.R. & O. (N.I.) 1958, No. 97.

Continuation of additional contributions in respect of previous employment

6. Where a person to whom this Part of these Rules applies was, at the date on which he ceased to be employed in teaching service, in course of paying to the Ministry as a condition of reckoning previous employment, contributions additional to those required by Section 6 of the Act, the right to receive the balance of the said contributions shall be transferred to the Minister.

Counting of transferred service as qualifying service

7. Where a person to whom this Part of these Rules applies ceases to be a civil servant and becomes re-employed in teaching service in circumstances in which Part III of these Rules does not apply to him, any service in respect of which a transfer value was paid by the Ministry under this Part of these Rules shall be treated under the Teachers Acts as qualifying service.

Amount of transfer value

8. The transfer value payable by the Ministry in respect of any person to whom this Part of these Rules applies shall be an amount equal to the transfer value which would have been payable under the Local Government Superannuation (Transfer Value) Regulations 1954(**i**) if that person, at the date when he ceased to be employed in teaching service, had ceased to be a contributory employee under one local authority and had become such an employee under another local authority, and for the purpose of calculating such amount his teaching service shall be deemed to have been contributing service and, as such, to have been affected or modified in accordance with Regulations applicable to contributing service made under Section 110 of the National Insurance Act 1965(**j**) or under any provisions corresponding thereto contained in any enactment repealed by that Act in like manner and to the same extent, as nearly as may be, as his recognised or contributory service was affected or modified by the National Insurance (Modification of Teachers Annual Allowances) Regulations (Northern Ireland) 1951(**k**)

Provided that—

(*a*) the transfer value payable in respect of a person who ceased to be employed in teaching service 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;

(*b*) the transfer value payable in respect of a person, not being a person to whom paragraph 8(*a*) applies who became employed as a civil servant more than twelve months after ceasing to be employed in teaching service, shall be calculated by reference to his age at the date he became employed as a civil servant;

(*c*) the transfer value shall be reduced by the value of any contributions the right to receive which is transferred to the Minister under the provisions of Rules 5 or 6 of these Rules.

Contributions not returnable

9. No return of contributions shall be made under the Teachers Acts to any person or his legal personal representatives in respect of any service which is taken into account in calculating the amount of a transfer value paid by the Ministry under this part of these Rules.

(**i**) S.I. 1954/1212 (1954 II, p. 1723).
(**j**) 1965. c. 51.
(**k**) S.R. & O. (N.I.) 1951, No. 129.