**1970. No. 164** [C]

# SUPERANNUATION

## Interchange between the Civil Service of Northern Ireland and the Teaching Service in England and Wales

RULES, DATED 16TH JUNE 1970, 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 England and Wales) Interchange Rules (Northern Ireland) 1970 and shall come into operation on 10th July 1970.

*Revocation*

**2.** The Superannuation (Teaching Service in England and Wales 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 the beginning of April 1967, 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 Acts 1937 to 1953;

"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(c), and any similar service immediately following relevant service entered into with the consent 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. 52.
(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 Act 1967(**d**);

"the Secretary of State" means the Secretary of State for Education and Science;

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

"the Teachers' Regulations" means the Teachers' Superannuation Regulations 1967 to 1969; and "the principal Teachers' Regulations" means the Teachers' Superannuation Regulations 1967(**e**);

"teaching service" means—

(*a*) reckonable teaching service; and

(*b*) service which for the purposes of the Teachers' Regulations is service as an organiser, a teacher in an admitted school, a services civilian teacher, a services education officer or a part-time teacher;

"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 of Finance 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 of Finance; 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.

## PART II

### TRANSFER FROM TEACHING SERVICE TO CIVIL SERVICE

*Application*

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

(*a*) within the prescribed period after ceasing to be employed in teaching service becomes, or since the beginning of April 1967, has become a civil servant; and

(**d**) 1967. c. 12.

(**e**) S.I. 1967, No. 489.

(*b*) has not received payment of any pension (other than repayment of contributions) under the Teachers (Superannuation) Acts 1918 to 1956 or the Teachers' Regulations; and

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

(*d*) is a person in respect of whom the Ministry of Finance receives from the Secretary of State a transfer value calculated in accordance with a method approved by the said 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 Parts VII, IX and X of the principal Teachers' Regulations which are taken into account in calculating the transfer value paid by the Secretary of State to the Ministry of Finance, 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 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 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 section 19 of the Teachers (Superannuation) Act 1956(f) or regulation 32 of the principal Teachers' Regulations 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 of Finance in pursuance of rule 5(1)(*c*), to elect to continue to make the same payments to the Ministry of Finance as he would have been liable to make to the Secretary of State and if he does so elect, he shall be liable to make payments to the Ministry of Finance at the times at which he would have been liable to make them if he had remained in teaching service and, if he makes those payments, the period in respect of which they are made shall be reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

(f) 4 & 5 Eliz. 2. c. 53.