1968. No. 20 **[C]**

LOCAL GOVERNMENT SUPERANNUATION

REGULATIONS*, DATED 15TH FEBRUARY 1968, MADE BY THE MINISTRY OF DEVELOPMENT, UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND) 1950.

The Ministry of Development in exercise of the powers conferred on it by section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950(a), and of all other powers enabling it in that behalf, hereby makes the following regulations in the terms of a draft which has been approved by the Ministry of Finance in accordance with section 7(2) of the Act:—

Citation and commencement

1. These regulations may be cited as the Local Government Superannuation (Interchange with Scottish Teaching Service) Regulations (Northern Ireland) 1968 and shall come into operation on 16th February 1968.

Interpretation

2.—(1) In these regulations—

"the Act" means the Local Government (Superannuation) Act (Northern Ireland) 1950;

"the Act of 1962" means the Education (Scotland) Act 1962(**b**);

"the principal regulations" means the Local Government (Superannuation) Regulations (Northern Ireland) 1962(**c**) as amended (**d**);

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

"contributing service" and "non-contributing service" mean service which is reckonable as contributing or non-contributing service, as the case may be, under the principal regulations;

"teaching service" has the meaning assigned to the expression "first class service" by regulation 5 of the Teachers Regulations and includes periods which are deemed to be, and recorded as, first class service—

(i) under the provisions of regulation 9 of the said regulations (which relates to periods of experience of value to teachers); or

(ii) under the provisions of regulation 12 of the said regulations (which relates to breaks in service);

but does not include any period of teaching service which has been recorded as third class service in consequence of the return of contributions to the teacher unless such period of third class service is again

(a) 1950. c. 10.
(b) 10 & 11 Eliz. 2. c. 47.
(c) S.R. & O. (N.I.) 1962, No. 210.
(d) S.R. & O. (N.I.) 1966, No. 274.
(e) S.I. 1957/356 (1957 I, p. 733).
(f) S.I. 1958/1595 (1958 I, p. 1077), 1963/2111 (1963 III, p. 4685), 1965/1166 (1965 II, p. 3284) and 1966/1229 (1966 III, p. 3295).

*A draft of these Regulations was approved by Resolution of the House of Commons on the 8th day of February 1968 and by Resolution of the Senate on the 13th day of February 1968.

recorded as first class service in consequence of the repayment of the said contributions by the teacher in accordance with the provisions of regulation 50(4) of the said regulations;

"voluntary contributions" means—

(*a*) in relation to a person who has become an officer after leaving employment in teaching service, payments (other than payments required by section 105 of the Act of 1962 and completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) made as a condition of being entitled to reckon any period as first class service under the Teachers Regulations;

(*b*) in relation to a person who has become employed in teaching service after leaving employment as an officer, 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 in accordance with the second schedule to the principal regulations;

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

(iii) any payments of a similar nature which, having been commenced in a previous employment, were continued in his employment as an officer;

and other expressions have the same meanings as in the principal regulations or the Teachers Regulations, as the case may be.

(2) In these regulations references to any Act of the Parliament of the United Kingdom or to any provision contained in an order, regulation, rule, scheme or other instrument having effect by virtue of such an Act shall be construed as references to that Act or provision as amended, modified, extended, applied or re-enacted by any other such Act or provision.

Reckoning of previous service

3.—(1) Where a person, being a teacher to whom the Teachers Regulations apply, without having received payment of any benefit under the Teachers Regulations other than a return of contributions, has become an officer within the prescribed period (as defined in regulation 4) after ceasing to be employed in teaching service, then, subject to the provisions of these regulations—

(*a*) his teaching service shall be reckonable as contributing service under the principal regulations:
Provided that teaching service reckonable only for the purpose of calculating the amount of any allowance or gratuity payable to or in respect of him shall be reckonable only for the like purpose under the principal regulations;

(*b*) any period of service which prior to his becoming employed in teaching service was non-contributing service for the purposes of the principal regulations or was reckonable in the same or substantially the same manner as such non-contributing service by virtue of any enactment or scheme shall be reckonable as non-contributing service for the purposes of the principal regulations at double the length at which it was reckonable under the Teachers Regulations; and

(*c*) any period which immediately before he ceased to be employed in teaching service was reckonable for the purpose of determining

whether he had served for any minimum period prescribed by the Teachers Regulations as necessary for any benefit to be paid to or in respect of him shall to the same extent be reckonable under the principal regulations for the purpose of determining whether he is entitled to any benefit thereunder.

(2) Paragraph (1) shall not apply to such a person as aforesaid unless—

(*a*) the Committee receive from the Secretary of State in respect of such teaching service a transfer value calculated in accordance with the rules for the time being in force for that purpose under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(**g**);

(*b*) within three months after the date on which he becomes an officer, or within six months after the date of the coming into operation of these regulations, whichever period last expires, or within such longer period as the Committee may in any particular case allow, he notifies the Committee, in writing, that he desires these regulations to apply to him, furnishes them with particulars of any national service in which he has been engaged since he last ceased to be employed in teaching service and pays to them an amount equal to any sum received by him by way of a return of contributions, other than voluntary contributions, on or after last ceasing to be employed in teaching service, together with an amount equal to any income tax which was deducted from his contributions in respect of such return; and

(*c*) in the case of a person who ceased to be employed in teaching service or became an officer before the date of the coming into operation of these regulations—

(i) he ceased to hold his former employment not earlier than 1st April 1950;

(ii) the Secretary of State agrees to the payment of a transfer value; and

(iii) in the case of a person who is not an officer at the date of the coming into operation of these regulations the Committee agree that this regulation shall apply to him.

(3) For the purposes of these regulations a person shall not be deemed to have ceased to be employed in teaching service if he ceased to be employed in employment which is treated as teaching service solely for the purpose of determining whether that person had served for the minimum period required by the Teachers Regulations as a condition of any benefit to be paid to or in respect of him.

Definition of "the prescribed period"

4.—(1) Subject as hereinafter provided, "the prescribed period" means—

(*a*) in the case of a person who immediately after ceasing to be employed in teaching service or, as the case may be, ceasing to be employed as an officer, became engaged in national service, six months after the termination of his national service; and

(*b*) in the case of any other person, twelve months after leaving such employment as aforesaid.

(2) Subject as hereinafter provided—

(*a*) in reckoning the said period of twelve months or, as the case may be, the said period of six months mentioned in paragraphs (1)(*a*) and (1)(*b*)

(**g**) 11 & 12 Geo. 6. c. 33.

no account shall be taken of any period spent by the person on a course of study or training which he entered after leaving his former employment;

(*b*) if the person ceased to be employed in teaching service or, as the case may be, ceased to be employed as an officer in order to enter a course of study or training and on completion of that course became engaged in national service, he shall be deemed for the purposes of paragraph (1) to have left his former employment at the time when he completed the said course of study or training; and

(*c*) if a person ceased to be employed in teaching service or, as the case may be, ceased to be employed as an officer, and entered (whether or not after a period spent on national service) an employment approved by the Secretary of State for the purpose of this provision, or an employment approved by the Committee under regulation 51 of the principal regulations, then if the Secretary of State and the Committee both agree, he shall be deemed for the purposes of paragraph (1) to have left his former employment on the termination of the approved employment.

(3) Paragraph (2) shall not apply—

(*a*) to a person who in his new employment is in teaching service unless—

(i) before leaving his former employment (or, if between leaving that employment and entering the said course of study or training he was engaged in national service, before the end of that service) he gave notice in writing to the Committee of his intention to enter the said course of study or training; and

(ii) the Secretary of State is satisfied that by reason of his having undertaken the said course of study or training the person is better fitted for the duties of his new employment;

(*b*) to a person who in his new employment is an officer unless the Committee are satisfied that by reason of his having undertaken the said course of study or training he is better fitted for the duties of his new employment.

Continuation of voluntary contributions

5.—(1) Where any person to whom regulation 3 has become applicable was, at the time when he ceased to be employed in teaching service, in the course of making voluntary contributions and he notifies the Committee in writing within three months after becoming an officer, or within such longer period as the Committee may in any particular case allow, that he elects to make payments in pursuance of this regulation and pays forthwith to the Committee an amount equal to any sum paid to him by way of return of any such voluntary contributions as aforesaid on or after last ceasing to be employed in teaching service together with an amount equal to any income tax which was deducted from those voluntary contributions in respect of such return then he shall be liable to pay the outstanding voluntary contributions to the Committee in the manner in which they would have been payable if he had remained in teaching service.

(2) Where a person has elected to make payments in pursuance of this regulation the period in respect of which such payments are made shall be reckonable as a period of contributing service.

Provided that where the period in respect of which such payments were being made would not have been reckonable under the Teachers Regulations