superannuable under the Local Government (Superannuation) Regulations (Northern Ireland), 1950, and an appropriate transfer value is received by the fund established for the purposes of those regulations, then the prior service as a teacher shall be reckonable by him for superannuation purposes in relation to his new employment; and

(*b*) if a person superannuable under the Local Government (Superannuation) Regulations (Northern Ireland), 1950, transfers within a prescribed period (generally twelve months) to employment as a teacher which is superannuable by virtue of the Teachers (Superannuation) Act (Northern Ireland), 1950, a transfer value of an appropriate amount shall be payable to the Ministry of Education out of the fund established for the purposes of the 1950 regulations previously referred to.

In the case mentioned at (*b*) above the Ministry of Education is making rules to secure that service previously superannuable by virtue of the 1950 regulations will be reckonable for superannuation purposes under the Teachers (Superannuation) Act (Northern Ireland), 1950, on transfer.

In effect therefore the regulations and the rules to be made by the Ministry of Education enable superannuation rights to be preserved on a change of employment between the Northern Ireland local government service and the Northern Ireland teaching service.

The regulations are made retrospective in effect to a limited extent but the retrospective provisions will only apply if the person concerned so elects and the body administering the superannuation scheme to which he was formerly a contributor agrees to pay a transfer value in respect of his former service.

1960. No. 74 **[C]**

EDUCATION

Superannuation

RULES, DATED THE 27TH DAY OF APRIL, 1960, MADE BY THE MINISTRY OF EDUCATION JOINTLY WITH THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 12A AND 25 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") and the Ministry of Health and Local Government acting jointly in exercise of the powers conferred on them by Sections 12A and 25 of the Teachers (Superannuation) Act (Northern Ireland), 1950, and with the approval of the Ministry of Finance, hereby make the following rules:—

Citation and commencement

1. These rules may be cited as the Teachers Superannuation (Transfer from the Local Government Service to the Teaching Service) Rules (Northern Ireland), 1960, and shall come into operation on the first day of May, 1960.

Interpretation

2. In these rules the following expressions have the meanings hereby respectively assigned to them—

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

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

"the Act of 1956" means the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956 (c);

"added years" means in relation to a contributory employee, any additional years of service reckonable by him under regulation 26 of the Local Government Superannuation Regulations or regulation 26 of the Belfast Corporation Superannuation Scheme, and includes any additional years of service which, having been granted under any similar provision contained in any other enactment or scheme, have subsequently become reckonable under the said regulations or scheme;

"Belfast Corporation Superannuation Scheme" means the superannuation scheme made by the Belfast Corporation under Section 5A of the Local Government (Superannuation) Act (Northern Ireland), 1950;

"the Committee" means the Northern Ireland Local Government Officers' Superannuation Committee;

"contributing service" and "non-contributing service" mean service which is reckonable as contributing service or non-contributing service for the purposes of the Local Government Superannuation Regulations or the Belfast Corporation Superannuation Scheme;

"contributory employee" means a person who has been duly admitted to participate in the benefits of the superannuation scheme administered by the Committee or the Belfast Corporation;

"contributory service" and "recognised service" have the respective meanings assigned to these expressions by the Act;

"Local Government Superannuation Regulations" means the Local Government (Superannuation) Regulations (Northern Ireland), 1950(d);

"national service" in relation to any person, means service of a description specified in the first schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(e), 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;

"modification regulations" means the National Insurance (Modification of Teachers Annual Allowances) Regulations (Northern Ireland), 1951(f);

"transfer value" has the meaning given to "accrued superannuation value" in the Local Government Act; and

"voluntary contributions" means—

(*a*) in relation to a person who has become employed in contributory or recognised service after ceasing to be a contributory employee, 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 provisions of the second schedule to the Local Government

(a) 1950. c. 33.
(b) 1950. c. 10.
(c) 1956. c. 22.
(d) S.R. & O. (N.I.) 1950, No. 103.
(e) 14 and 15 Geo. 6. c. 65.
(f) S.R. & O. (N.I.) 1951, No. 129.

Superannuation Regulations or the Belfast Corporation Superannuation Scheme;

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

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

(*b*) in relation to a person who after ceasing to be employed in contributory or recognised service has become a contributory employee to whom regulation 3 of the Local Government Superannuation (Interchange with Teaching Service) Regulations (Northern Ireland), 1960(a), or the corresponding provisions of the Belfast Corporation Superannuation Scheme applies, payments (other than payments of contributions required by Section 6 of the Act 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 contributory or recognised service for the purposes of the Act.

Application of the Rules

3.—(1) Where, within the prescribed period as hereinafter in this rule defined, a person, after ceasing to be a contributory employee and without having become entitled to any superannuation benefit other than a return of contributions, has become employed in contributory or recognised service, not being service which is treated as contributory service by virtue of its being approved external service for the purposes of Section 13 of the Act or of its being treated under any scheme made under Section 42(1) of the Act in the same manner as such approved external service then subject to the provisions of these rules—

(*a*) the period of his service which was reckonable or is deemed to have been reckonable as contributing service for the purposes of the Local Government Superannuation Regulations or the Belfast Corporation Superannuation Scheme, at the time of his ceasing to be employed as a contributory employee, and such further period of service as would have been so reckonable had the Local Government Superannuation (Interchange with Teaching Service) Regulations (Northern Ireland), 1960, or the corresponding provisions of the Belfast Corporation Superannuation Scheme been in operation immediately before he so ceased to be employed shall be reckonable as contributory service under the Act; and

(*b*) the period of his service (if any) which was reckonable at the time of his ceasing to be employed as a contributory employee as non-contributing service shall be reckonable at half its actual length as contributory service under the Act.

(2) Notwithstanding the provisions of sub-paragraph (*b*) of the last preceding paragraph such part of a person's service as is mentioned in that sub-paragraph shall be reckonable at its actual length as contributory service for the purpose of—

(*a*) determining whether he has completed the minimum period of contributory or recognised service required by the Act as necessary for any superannuation benefit to be paid to or in respect of him; or

(a) S.R. & O. (N.I.) 1960, No. 73.