Treasury Warrant, dated 21st August, 1907, made under section 1 of the Superannuation Act, 1887. S.R. & O. 1907 (No. 658), p.863.

Treasury Warrant, dated 17th January, 1919, made under section 1 of the Superannuation Act, 1887. S.R. & O. 1919 (No. 106) II, p.228.

Ministry of Finance Warrant, dated 4th November, 1925, made under section 1 of the Superannuation Act, 1887, as applied to the civil service of Northern Ireland by section 1 of the Superannuation Act, 1921. S. R. & O. 1925 (No. 103), p.316.

Ministry of Finance Warrant, dated 18th May, 1927, made under section 1 of the Superannuation Act, 1887, as applied to the civil service of Northern Ireland by section 1 of the Superannuation Act, 1921. S.R. & O. 1927 (No. 58), p.235.

The Injury Warrant, No. 1 (N.I.), 1942. S.R. & O. 1942 (No. 181), p.193.
The Injury Warrant, No. 2 (N.I.), 1942. S.R. & O. 1942 (No. 182), p.200.
The Injury Warrant (N.I.), 1947. S.R. & O. 1947 (No. 6), p.416.

Interchange between the National Health Service in Great Britain and the Civil Service of Northern Ireland

RULES DATED 31ST DECEMBER, 1953, MADE BY THE MINISTRY OF FINANCE JOINTLY WITH THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS FIVE AND TEN OF THE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND), 1951, AND BY THE MINISTRY OF FINANCE UNDER SECTIONS SIX AND TEN OF THE SAID ACT.

1953. No. 168

WHEREAS it is provided by section five of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1951 (a) (which relates to the making of rules by the Ministry of Finance and the appropriate Ministry acting jointly for the reckoning of periods of service in specified employments for the purposes of the Superannuation Acts) that the Governor of Northern Ireland may by Order in Council designate a class of employment as pensionable employment and may specify the appropriate Ministry in relation to such employment for the purposes of that section :

AND WHEREAS the Governor of Northern Ireland has by Order in Council, entitled the Superannuation (Designated Employment) Order (Northern Ireland), 1953, made on the 23rd February, 1953 (b), designated employment which is pensionable by virtue of sub-section (1) of section sixty-seven of the National Health Service Act, 1946 (c), or sub-section (1) of section sixty-six of the National Health Service (Scotland) Act, 1947 (d), as pensionable employment and has specified the Ministry of Health and Local Government as the appropriate Ministry in relation to such employment for the purposes of the said section five :

NOW, THEREFORE, the Ministry of Finance and the Ministry of Health and Local Government acting jointly in exercise of the powers conferred upon them by sections five and ten of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1951, hereby make the rules contained in Parts I and II hereof and the Ministry of

(a) 1951 c. 28. (b) S. R. & O. (N.I.) 1953, No. 27. (c) 9 & 10 Geo. 6. c.81.
(d) 10 & 11 Geo. 6 c.27.

Finance in exercise of the powers conferred on it by sections six and ten of the aforesaid Act hereby makes the rules contained in Parts I and III hereof.

PART I

General

1.—(1) These rules may be cited as the Superannuation (National Health Service in Great Britain and Civil Service of Northern Ireland) Interchange Rules (Northern Ireland), 1953, and shall come into force on the 11th day of January, 1954.

(2) The Interpretation Act, 1889 (**a**), shall apply for the purposes of the interpretation of these rules in like manner as it applies for the purposes of the interpretation of an Act of the Parliament of Northern Ireland.

2.—(1) In these rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them —

" the Act " means the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1951 ;

" the Act of 1937 " means in relation to England and Wales the Local Government Superannuation Act 1937 (**b**), and in relation to Scotland the Local Government Superannuation (Scotland) Act, 1937 (**c**) ;

" the Act of 1946 " means the National Health Service Act, 1946 ;

" the Act of 1947 " means the National Health Service (Scotland) Act, 1947 ;

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

" contributing service " means service which is reckonable as contributing service under any regulations made by virtue of sub-section (1) of section sixty-seven of the Act of 1946 or sub-section (1) of section sixty-six of the Act of 1947 ;

" the Minister " means the Minister of Health ;

" 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, (**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 ;

" non-contributing service " means service which is reckonable as non-contributing service under any regulations made by virtue of

(**a**) 52 & 53 Vict. c.63. (**b**) 1 Edw. 8 & 1 Geo. 6 c.68. (**c**) 1 Edw. 8 & 1 Geo. 6. c.69.
(**d**) 14 & 15 Geo. 6 c.65.

sub-section (1) of section sixty-seven of the Act of 1946 or sub-section (1) of section sixty-six of the Act of 1947 ;

" pensionable employee " means a person employed in employment in Great Britain which is pensionable by virtue of sub-section (1) of section sixty-seven of the Act of 1946, or sub-section (1) of section sixty-six of the Act of 1947 ;

" pension " has the meaning assigned to it by the Act ;

" the Superannuation Acts " means the Superannuation Acts 1834 to 1919, as applied to the civil service of Northern Ireland and the Superannuation Acts (Northern Ireland), 1921 to 1951 ;

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

(2) Any reference in these rules to the provisions of any enactment, rules, or regulations, shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment, rules or regulations, including these rules.

PART II

Provisions relating to officers transferring from the National Health Service in Great Britain to the Civil Service

3.—(1) Where a person either —

(*a*) becomes a civil servant within twelve months after ceasing to be a pensionable employee, or

(*b*) having left his employment as a pensionable employee on becoming engaged in national service becomes a civil servant within six months after the termination of that service

and has not become entitled to a pension other than a return of contributions in respect of his previous employment then, if the Ministry of Finance receives from the Minister or as regards Scotland from the Secretary of State a transfer value calculated in accordance with a method approved by the said Ministry less an amount equal to any sum which may become payable by way of income tax in respect of the amount transferred by way of transfer value in respect of the service which the person was entitled to reckon for superannuation benefits immediately before he ceased to be a pensionable employee, that service shall, subject to and in accordance with the conditions in this part of these rules, be reckoned for the purposes of the Superannuation Acts as if it had been service as a civil servant :

Provided that such person within three months after the date on which he becomes a civil servant or within six months after the coming into operation of these rules, whichever period last expires, notifies the Department in which he is then employed, or, if he has ceased to be employed as a civil servant, the Department in which he was last employed that he desires these rules to apply to him and furnishes such

Department with particulars of his previous pensionable employment and national service (if any).

(2) This part of these rules shall apply to any such person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be either a pensionable employee or became a civil servant before the passing of the Act or the coming into operation of these rules, provided that —

(*a*) if he has ceased to be employed as a civil servant before the coming into operation of these rules, the Ministry of Finance consents ; and

(*b*) he became a civil servant not earlier than the 1st day of April, 1950 ; and

(*c*) the authority by whom he was employed as a pensionable employee immediately before he became a civil servant consents.

(3) In this part of these rules a person to whom this part of these rules applies is referred to as " the officer ".

4.—(1) Where part of the officer's service is reckonable at the time he ceased to be a pensionable employee as non-contributing service that part shall as to one half of the period thereof be reckoned for purposes of the Superannuation Acts as if it had been service as a civil servant :

Provided that 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 such part of his service as aforesaid shall be reckoned, as to the whole period thereof, as if it had been service as a civil servant.

(2) Where the officer was in his pensionable employment a part-time employee and held no other pensionable employment, the period of his service as such part-time employee shall be treated for the purposes of these rules as if it had been whole-time service for a proportionately reduced period.

Provided that 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, such part-time service as aforesaid shall be reckoned, as to the whole period thereof, as if it had been service as a civil servant.

5. Where an officer before he became a pensionable employee was in employment which, under the superannuation regulations applicable to him as a pensionable employee, is reckonable as service for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating any benefit to which he may become entitled, the period of that employment which would have been so reckonable had he continued to be a pensionable