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STATUTORY INSTRUMENTS

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**1957 No. 2197**

**The Superannuation (English Local Government and Northern Ireland Health Service) Interchange Rules 1957**

**PART I**

**General**

**Definition of “the prescribed time limit”**

3.—(1) Subject as hereinafter provided, “the prescribed time limit” means—

- (a) in rule 4, a period of twelve months after leaving employment as a contributory employee or local Act contributor or, in the case of a person who immediately after leaving such employment became engaged in national service, a period of six months after the termination of that service;
- (b) in rule 6, a period of twelve months after leaving employment as an officer or, in the case of a person who immediately after leaving such employment became engaged in national service, a period of six months after the termination of that service:

Provided that the reference in sub-paragraph (a) of this paragraph to a period of twelve months from the date on which a person ceased to be employed shall be construed in relation to a person to whom section 6 of the Act has become applicable as a reference to a period of five years from that date or such longer period as the Minister may, in any particular case, allow.

(2) Subject as hereinafter provided, in the case of a person who in his new employment is or before the commencement of these rules was an officer having been in his former employment a contributory employee or local Act contributor engaged in an employment mentioned in paragraph (4) of this rule, or who is or before the commencement of these rules was a contributory employee or local Act contributor engaged in any such employment as is mentioned in that paragraph having in his former employment been an officer—

- (a) in reckoning the said period of twelve months or, as the case may be, the said period of six months mentioned in sub-paragraphs (a) and (b) of the last preceding paragraph 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 left employment in which he was a contributory employee or local Act contributor or, as the case may be, 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 the last preceding paragraph to have left his former employment at the time when he completed the said course of study or training.
- (3) The provisions of the last preceding paragraph shall not apply—
- (a) to a person who in his new employment is or was an officer as aforesaid 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,

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- before the end of that service) he gave notice in writing to the authority by whom he was employed of his intention to enter the said course of study or training;
- (ii) he has not received, in pursuance of a claim made by him, a return of contributions from the fund to which he was a contributor in his former employment; and
  - (iii) the Ministry is satisfied that by reason of having undertaken the said course of study or training the person is or was better fitted for the duties of his new employment;
- (b) to a person who in his new employment is or was a contributory employee or local Act contributor as aforesaid unless—
- (i) the said course of study or training was approved by the Ministry on the person's written application made before or within three months after the commencement of the course; and
  - (ii) the authority employing him in his new employment are satisfied that by reason of having undertaken the said course of study or training he is or was better fitted for the duties of his new employment:

Provided that a person who, immediately after leaving employment as a contributory employee or local Act contributor, becomes engaged in national service and before the termination of that service gives notice of his intention to enter a course of study or training may, on giving such notice, pay to the authority maintaining the superannuation fund to which he was formerly a contributor an amount equal to any sums paid to him by way of return of contributions, in pursuance of a claim made by him, by that authority and, if he pays that amount, shall be deemed for the purposes of sub-paragraph (a) of this paragraph not to have claimed a return of contributions.

- (4) The employments to which paragraph (2) of this rule refers are—
- (a) employment as a person to whom regulation 21 or 23 of the Benefits Regulations applies or as a person to whom the said regulation 23 would have applied if she had given the notice referred to in subsection (2) of section 9 of the Act of 1953 (which relates to female members of staffs of children's homes and hostels);
  - (b) employment as a person to whom regulation 22 of the Benefits Regulations or a provision of a local Act scheme corresponding to the said regulation 23 applies or as a person to whom such a provision would have applied if she had given a notice corresponding to that referred to in subsection (2) of section 9 of the Act of 1953;
  - (c) in the case of a male person, employment in a children's home or hostel provided by a local authority under any enactment, other than an enactment relating to education, in which the person has the care of persons under the age of eighteen years.