
STATUTORY INSTRUMENTS

1972 No. 521

PENSIONS

The Superannuation (Fire and Specified Services) Interchange Rules 1972

| | | |
|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>27th March 1972</i> |
| <i>Laid before Parliament</i> | | <i>10th April 1972</i> |
| <i>Coming into Operation</i> | | <i>1st May 1972</i> |

In exercise of the powers conferred on me by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948, as extended and amended by section 9 of the Fire Services Act 1959, I hereby make the following Rules:—

PART I

CITATION, OPERATION AND INTERPRETATION

1. These Rules may be cited as the Superannuation (Fire and Specified Services) Interchange Rules 1972 and shall come into operation on 1st May 1972.

2.—(1) In these Rules the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“appropriate authority”, in relation to specified service, has the meaning assigned to it in Schedule 1;

“the fire authority”, in relation to any person, means the authority maintaining the fire brigade from which he retires or has retired as mentioned in Rule 4(1);

“fire brigade” means a fire brigade maintained under the Fire Services Act 1947;

“the Firemen's Pension Scheme” means the Scheme for the time being in operation under section 26 of the Fire Services Act 1947;

“pension” has the meaning assigned to it by section 17(1) of the Superannuation (Miscellaneous Provisions) Act 1948 except that it does not include an award under the Firemen's Pension Scheme by way of a gratuity or repayment of aggregate contributions;

“pensionable pay” and “pensionable service” have the same meanings as in the Firemen's Pension Scheme;

“Police Pensions Regulations” means the Regulations for the time being in force under section 1 of the Police Pensions Act 1948, except that “Isle of Man Police Pensions Regulations” means the Regulations so in force under section 16 of the Police (Isle of Man) Act 1962 (an Act of Tynwald);

“regular fireman” means a member of a fire brigade of a class prescribed by the Firemen's Pension Scheme for the purposes of section 2 of the Fire Services Act 1951;

“specified service” has the meaning assigned to it by Schedule 1.

(2) In these Rules, unless the context otherwise requires, any reference to any enactment shall be construed as a reference to that enactment as amended or extended by any subsequent enactment.

(3) In these Rules, unless the context otherwise requires, any reference to a Rule or Schedule shall be construed as a reference to a Rule or Schedule contained therein, any reference to a paragraph of that Rule or Schedule and any reference in a paragraph to a sub-paragraph shall be construed as a reference to a sub-paragraph of that paragraph.

(4) The Interpretation Act 1889 shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

3.—(1) Employment on duties connected with the provision of fire services, otherwise than as a member of a fire brigade, which is treated for the purposes of the Firemen's Pension Scheme as employment as a regular fireman shall be so treated for the purposes of these Rules.

(2) In relation to such employment as is mentioned in paragraph (1) any reference in these Rules to the fire authority shall be construed in like manner as such a reference in the Firemen's Pension Scheme, that is to say, as a reference to the Secretary of State.

PART II

PAYMENT OF TRANSFER VALUES BY FIRE AUTHORITIES

4.—(1) These Rules shall apply in the case of a person who—

- (a) retires, or subject to paragraph (2) has retired, from service as a regular fireman without a transfer value becoming payable in his case otherwise than under these Rules;
- (b) either was not entitled to a pension under the Firemen's Pension Scheme on so retiring or, if so entitled, has not received any payments in respect of the pension;
- (c) enters or has entered specified service (that is to say, such service or employment as is mentioned in Schedule 1) within 12 months of so retiring or within such longer period as may be agreed in the circumstances of his case between the fire authority and the appropriate authority;
- (d) within 6 months of 1st May 1972 or 3 months of his entering the specified service, whichever is the later, or within such longer period as may be agreed as aforesaid in the circumstances of his case, notifies the fire authority that he desires these Rules to apply in his case, where, in the specified service he is, or subject to the payment of a transfer value, would be, entitled to reckon service for superannuation purposes by virtue of his service as a regular fireman.

(2) Where a person who retired from service as a regular fireman before 1st May 1972 enters, or before that date has entered, the specified service, these Rules shall apply in his case only with the consent (given at his request) of both the fire authority and the appropriate authority.

5.—(1) Subject to paragraph (2), in respect of a person to whom these Rules apply the fire authority shall pay to the appropriate authority a transfer value calculated in accordance with Schedule 2.

(2) Where the person concerned is subject to any superannuation arrangements specified in the second column of the Table in Schedule 1 but is not employed by the body specified opposite thereto in the first column of that Table, the fire authority shall not be required to, but may, pay a transfer value as aforesaid.

Home Office
Whitehall
27th March 1972

R. Maudling
One of Her Majesty's Principal Secretaries of
State

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SCHEDULE 1

SPECIFIED SERVICE AND APPROPRIATE AUTHORITIES

1. In these Rules the expressions “specified service” and, in relation thereto, “the appropriate authority” have the meanings hereby respectively assigned to them.

2. Any reference to specified service includes a reference to service as a regular policeman within the meaning of the Police Pensions Regulations and, in relation thereto, “the appropriate authority” means the authority which, for the purposes of those Regulations, is the police authority in relation to the person concerned on the day that these Rules become applicable to him.

3. Any reference to specified service includes a reference to service as a regular policeman within the meaning of the Isle of Man Police Pensions Regulations and, in relation thereto, “the appropriate authority” means the Government of the Isle of Man.

4. Subject as aforesaid, any reference to specified service is a reference to service or employment in which a person is subject to any superannuation arrangements specified in the second column of the following Table (whether or not the person is employed by the body specified in the first column) and, in relation thereto, “the appropriate authority” means the persons having the general management of the arrangements in question.

TABLE

| <i>Employing body</i> | <i>Superannuation arrangements</i> |
|--------------------------------------|---|
| Agricultural Research Council | Industrial Superannuation Scheme |
| Agricultural Research Council | Agricultural Research Council Superannuation Scheme 1951 |
| Area Electricity Board | British Electricity Authority Superannuation (Protected Persons) Scheme |
| Area Electricity Board | Electricity Board Superannuation (Protected Persons) Scheme |
| Area Electricity Board | Electricity Supply (Manual Workers) Superannuation Scheme |
| Area Electricity Board | Electricity Supply (Staff) Superannuation Scheme |
| Area Gas Board | Area Gas Board Protected Persons Superannuation Scheme |
| Area Gas Board | Area Gas Board Staff Pension Scheme |
| British Airports Authority | The British Airports Authority Superannuation Scheme |
| British Broadcasting Corporation | The B.B.C. New Pension Scheme |
| British Council | British Council Superannuation Scheme |
| British European Airways Corporation | The Airways Corporations Joint Pension Scheme for General Staff members |
| British Overseas Airways Corporation | The Airways Corporations Joint Pension Scheme for General Staff members |
| British Waterways Board | Cheshire County Council Superannuation Fund—Divided |
| British Waterways Board | Grand Union Canal Company Superannuation Fund |
| British Waterways Board | Nottingham Corporation Superannuation Fund—Divided |

| <i>Employing body</i> | <i>Superannuation arrangements</i> |
|---|---|
| British Waterways Board | Scheme embodied in section 23 of and Schedule 4 to the Regent Canal and Dock Company (Grand Junction Canal Purchase) Act 1928 |
| British Waterways Board | Scheme embodied in the Superannuation Act 1965 (as applied to former staff of the Lee Conservancy Board) |
| Central Electricity Generating Board | British Electricity Authority Superannuation (Protected Persons) Scheme |
| Central Electricity Generating Board | Electricity Board Superannuation (Protected Persons) Scheme |
| Central Electricity Generating Board | Electricity Supply (Manual Workers) Superannuation Scheme |
| Central Electricity Generating Board | Electricity Supply (Staff) Superannuation Scheme |
| Commonwealth War Graves Commission | The Commonwealth War Graves Commission Superannuation Scheme (1952) |
| Corporation of Trinity House | Trinity House Service Superannuation Scheme |
| Crown Agents for Overseas Governments and Administrations | Crown Agents' Pension Scheme |
| Crown Estate Commissioners | Crown Estate Commissioners Superannuation Scheme |
| Development Commission | The Development Commission Superannuation Scheme 1940 |
| Electricity Council | British Electricity Authority Superannuation (Protected Persons) Scheme |
| Electricity Council | Electricity Board Superannuation (Protected Persons) Scheme |
| Electricity Council | Electricity Supply (Manual Workers) Superannuation Scheme |
| Electricity Council | Electricity Supply (Staff) Superannuation Scheme |
| Forestry Commission | The Forestry Commission Superannuation Scheme |
| Gas Council | Gas Council Staff Pension Scheme |
| General Lighthouse Authority | General Lighthouse Fund Superannuation Scheme |
| Horserace Betting Levy Board | Horserace Betting Levy Board Pension Schemes A and B |
| Independent Television Authority | The Independent Television Authority Staff Superannuation Fund and Staff Life Assurance Scheme |
| Industrial Training Boards | Industrial Training Boards Pension Fund |
| Metropolitan Water Board | Metropolitan Water Board Superannuation and Provident Fund Scheme |
| National Coal Board | National Coal Board Staff Superannuation Scheme |
| National Industrial Fuel Efficiency Service | National Industrial Fuel Efficiency Service Superannuation Scheme |

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| <i>Employing body</i> | <i>Superannuation arrangements</i> |
|--|--|
| National Institute of Agricultural Botany | Industrial Superannuation Scheme |
| Natural Environment Research Council | Natural Environment Research Council Superannuation Arrangements |
| North of Scotland Hydro-Electric Board | Hydroboard Superannuation Fund |
| Port of London Authority | Port of London Authority Pension Fund |
| Post Office | Post Office Staff Superannuation Scheme |
| Scottish Agricultural Colleges and Research Institutes | Industrial Superannuation Scheme |
| Science Research Council | Science Research Council Superannuation Scheme |
| Science Research Council | Principal Non-Industrial Superannuation Scheme of the United Kingdom Atomic Energy Authority |
| Science Research Council | The United Kingdom Atomic Energy Authority's Industrial Superannuation Scheme |
| South of Scotland Electricity Board | The South of Scotland Electricity Board's Superannuation Scheme |
| United Kingdom Atomic Energy Authority | The Principal Non-Industrial Superannuation Scheme of the United Kingdom Atomic Energy Authority |
| United Kingdom Atomic Energy Authority | Protected Persons Superannuation Scheme of the United Kingdom Atomic Energy Authority |
| United Kingdom Atomic Energy Authority | United Kingdom Atomic Energy Authority's Industrial Superannuation Scheme |

SCHEDULE 2

TRANSFER VALUES

1.—(1) The sum to be paid by a fire authority under Rule 5 shall be calculated in accordance with this paragraph by reference to the person's adjusted period of service, that is to say, by reference to the period of pensionable service he was entitled to reckon immediately before he ceased to be employed by the said authority adjusted as follows:—

- (a) in calculating his adjusted period of service any period by which his pensionable service exceeded 30 years shall be ignored;
- (b) where the specified service is such as is mentioned in paragraph 2 or 3 of Schedule 1, any period by which his pensionable service exceeded 20 years but did not exceed 30 years shall be counted twice;
- (c) where the specified service is such as is mentioned in paragraph 4 of Schedule 1, the period of his pensionable service not exceeding 30 years shall be increased by a third.

(2) The amounts shown in the second and third columns of Table A or B (as may be appropriate) in relation to an age which corresponds with that of the person concerned—

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- (a) where he retired from service as a regular fireman more than 12 months before 1st May 1972, on that date, or
- (b) in any other case—
 - (i) on retirement from service as a regular fireman where within 12 months he entered the specified as service as mentioned in Rule 4(1)(c), or
 - (ii) on entering the specified service where the 12 month time limit mentioned in Rule 4(1)(c) is extended thereunder,

are to be multiplied, respectively, by the number of completed years and completed months aggregating less than a year comprised in the person's adjusted period of service.

(3) The sum of the products aforesaid is an amount appropriate in respect of £100 of annual pensionable pay.

(4) The total sum referred to in sub-paragraph (1) is to be calculated proportionately by reference to the annual value of the person's pensionable pay immediately before he retired from service as a regular fireman so, however, that the sum shall not be recalculated on account of any retrospective increase in pay granted after the transfer value has been paid.

(5) The reference in sub-paragraph (2) to Table A or Table B (as may be appropriate) is a reference to—

- (a) the following Table A, where the specified service is such as is mentioned in paragraph 2 or 3 of Schedule 1;
- (b) the following Table B, where the specified service is such as is mentioned in paragraph 4 of Schedule 1.

TABLE A

TRANSFERS TO POLICE SERVICE

| <i>Age in years</i> | <i>Amount for £100 of annual pensionable pay in respect of each completed</i> | |
|---------------------|---|--------------|
| | <i>Year</i> | <i>Month</i> |
| | <i>£</i> | <i>£</i> |
| Under 24 | 19·70 | 1·65 |
| 24 | 19·70 | 1·65 |
| 25 | 19·70 | 1·65 |
| 26 | 19·70 | 1·65 |
| 27 | 19·70 | 1·65 |
| 28 | 19·70 | 1·65 |
| 29 | 19·70 | 1·65 |
| 30 | 19·75 | 1·65 |
| 31 | 19·85 | 1·65 |
| 32 | 20·05 | 1·65 |
| 33 | 20·30 | 1·70 |
| 34 | 20·60 | 1·70 |
| 35 | 21·00 | 1·75 |

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| <i>Age in years</i> | <i>Amount for £100 of annual pensionable pay in respect of each completed</i> | |
|---------------------|---|--------------|
| | <i>Year</i> | <i>Month</i> |
| | <i>£</i> | <i>£</i> |
| 36 | 21·45 | 1·80 |
| 37 | 21·95 | 1·85 |
| 38 | 22·45 | 1·85 |
| 39 | 22·95 | 1·90 |
| 40 | 23·45 | 1·95 |
| 41 | 23·90 | 2·00 |
| 42 | 24·35 | 2·05 |
| 43 | 24·80 | 2·05 |
| 44 | 25·25 | 2·10 |
| 45 | 25·65 | 2·15 |
| 46 | 25·95 | 2·15 |
| 47 | 26·20 | 2·20 |
| 48 | 26·40 | 2·20 |
| 49 | 26·55 | 2·20 |
| 50 | 26·65 | 2·20 |
| 51 | 26·70 | 2·20 |
| 52 | 26·75 | 2·25 |
| 53 | 26·80 | 2·25 |
| 54 | 26·85 | 2·25 |
| 55 or more | 26·90 | 2·25 |

TABLE B

TRANSFERS TO OTHER SERVICE

| <i>Age in years</i> | <i>Amount for £100 of annual pensionable pay in respect of each completed</i> | |
|---------------------|---|--------------|
| | <i>Year</i> | <i>Month</i> |
| | <i>£</i> | <i>£</i> |
| Under 35 | 9·00 | 0·75 |
| 35 | 9·00 | 0·75 |
| 36 | 9·05 | 0·75 |
| 37 | 9·10 | 0·75 |
| 38 | 9·15 | 0·75 |
| 39 | 9·30 | 0·75 |

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| Age in years | Amount for £100 of annual pensionable pay in respect of each completed | |
|--------------|--|------------|
| | Year £ | Month £ |
| 40 | 9·45 | 0·80 |
| 41 | 9·60 | 0·80 |
| 42 | 9·80 | 0·80 |
| 43 | 10·00 | 0·85 |
| 44 | 10·20 | 0·85 |
| 45 | 10·45 | 0·85 |
| 46 | 10·65 | 0·90 |
| 47 | 10·85 | 0·90 |
| 48 | 11·10 | 0·90 |
| 49 | 11·35 | 0·95 |
| 50 | 11·60 | 0·95 |
| 51 | 11·85 | 1·00 |
| 52 | 12·15 | 1·00 |
| 53 | 12·45 | 1·05 |
| 54 | 12·80 | 1·05 |
| 55 | 13·20 | 1·10 |
| 56 | 13·65 | 1·15 |
| 57 | 14·10 | 1·15 |
| 58 | 14·55 | 1·20 |
| 59 | 15·05 | 1·25 |

2. The sum to be paid by a fire authority under Rule 5, calculated in accordance with the preceding provisions of this Part of this Schedule, shall be reduced by a sum, subject to paragraph 4(1), equal to the balance outstanding, immediately before the person concerned retired from service as a regular fireman, of any sum he had undertaken to pay by regular instalments in accordance with the relevant provisions of the Firemen's Pension Scheme or so much thereof as has not been deducted from an award payable to him.

3. The sum to be paid by a fire authority under Rule 5, calculated in accordance with the preceding provisions of this Schedule, shall be reduced by a sum, subject to paragraph 4, equal to that of any award paid to him on retirement from service as a regular fireman by way of gratuity or return of aggregate contributions.

4.—(1) For the purposes of paragraphs 2 and 3 the sum which a person had undertaken to pay by regular instalments in accordance with the relevant provisions of the Firemen's Pension Scheme and the sum paid by way of gratuity or return of aggregate contributions to a person who paid pension contributions under that Scheme at a rate related to 6% of his pensionable pay shall, respectively, be deemed to be the sum which he would have undertaken so to pay and the sum which would have been so paid had he paid pension contributions at a rate related to 5% of his pensionable pay.

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(2) Where the time limit mentioned in Rule 4(1)(c) is extended thereunder the amount to be deducted under paragraph 3 may be increased by an amount equal to compound interest thereon at the rate of 3% per annum, with half-yearly rests, in respect of the period beginning with whichever is the later of the two following dates, that is to say—

- (a) the first anniversary of the date on which the person ceased to be employed by the fire authority, or
- (b) the date on which he was paid his award,

and ending with the date on which he notifies the fire authority as mentioned in Rule 4(1)(d):

Provided that the increase in the amount to be deducted under paragraph 3 shall not exceed a half of the difference between the transfer value which would be payable but for this sub-paragraph and that which would be so payable if paragraph 1(2)(b)(i) applied.

5.—(1) Except in the case of a person who paid pension contributions as a regular fireman at a rate of 1p a week less than the appropriate percentage of his pensionable pay, the sum to be paid by a fire authority under Rule 5, calculated in accordance with the preceding provisions of this Part of this Schedule, shall be reduced by an amount calculated in accordance with paragraph 7.

(2) In relation to a period before 15th February 1971 the reference in this paragraph to 1p a week shall be construed as a reference to 2d, a week.

6.—(1) In the case of a person who was entitled to reckon pensionable service, immediately before his retirement from service as a regular fireman, by virtue of a participating period of relevant employment, the sum to be paid by a fire authority under Rule 5, calculated in accordance with the preceding provisions of this Part of this Schedule, shall be reduced by an amount calculated in accordance with paragraph 7.

(2) In this paragraph the expression “participating period of relevant employment” has the meaning assigned to it by the Firemen's Pension Scheme but, for the purposes of sub-paragraph (1) and for the purposes of the provision applied by paragraph 7(1)(b), a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions (within the meaning of the National Insurance Act 1965) only fell to be made after the person retired from service as a regular fireman.

7.—(1) The amount specified in the second column of the following Table C in relation to an age which corresponds with that of the person concerned, at the time mentioned in paragraph 1(2), is the amount of the reduction referred to in paragraph 5, or as the case may be, paragraph 6 in respect of each £1 by which the annual value of his pension would be reduced—

- (a) under paragraph 1 of Part III of Schedule 1 to the Firemen's Pension Scheme 1971⁽¹⁾ or under the corresponding provision of the Firemen's Pension Scheme for the time being in force, in a case in which paragraph 5 applies;
- (b) under paragraphs 2 and 3 of the said Part III or under such corresponding provisions, in a case in which paragraph 6 applies,

in respect of any period beyond the age of 65 years, if he had on retirement from service as a regular fireman been entitled to a pension.

(2) The total reduction is to be calculated proportionately by reference to the amount by which the annual value of such a pension would be so reduced.

(1) See S.I. 1971/145 (1971 I, p. 320).

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TABLE C

| <i>Age in years</i> | <i>Amount of the reduction in respect of each £1 by which the annual value of a pension would be reduced £</i> |
|---------------------|--|
| Under 24 | 1·80 |
| 24 | 1·95 |
| 25 | 2·10 |
| 26 | 2·25 |
| 27 | 2·35 |
| 28 | 2·45 |
| 29 | 2·60 |
| 30 | 2·70 |
| 31 | 1·80 |
| 32 | 2·95 |
| 33 | 3·05 |
| 34 | 3·20 |
| 35 | 3·30 |
| 36 | 3·45 |
| 37 | 3·60 |
| 38 | 3·70 |
| 39 | 3·85 |
| 40 | 4·00 |
| 41 | 4·15 |
| 42 | 4·30 |
| 43 | 4·45 |
| 44 | 4·60 |
| 45 | 4·75 |
| 46 | 4·95 |
| 47 | 5·15 |
| 48 | 5·35 |
| 49 | 5·55 |
| 50 | 5·75 |
| 51 | 5·95 |
| 52 | 6·20 |
| 53 | 6·45 |
| 54 | 6·70 |

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| <i>Age in years</i> | <i>Amount of the reduction in respect of each £1 by which the annual value of a pension would be reduced £</i> |
|---------------------|--|
| 55 | 7·00 |
| 56 | 7·30 |
| 57 | 7·60 |
| 58 | 7·95 |
| 59 | 8·30 |
| 60 | 8·70 |
| 61 | 9·15 |
| 62 | 9·60 |
| 63 | 10·10 |
| 64 | 10·60 |

EXPLANATORY NOTE

These Rules provide for the payment of transfer values by fire authorities in the case of persons with mixed service who, after being members of fire brigades, have been in police service or such other service as is mentioned in Schedule 1 in which they are (or subject to such payment would be) entitled to reckon their previous fire service for superannuation purposes.