



Superannuation Act (Northern Ireland) 1967

1967 CHAPTER 24

An Act to consolidate the Superannuation Acts (Northern Ireland) 1921 to 1966, the enactments thereby applied to the civil service of Northern Ireland and certain other enactments relating to the superannuation of civil servants and other persons employed in the civil service of Northern Ireland. [28th November 1967]

PART I

SUPERANNUATION BENEFITS

Ss.1#29 rep. with saving by 1972 NI 10

SERVICE IN CIVIL SERVICE PRECEDED OR FOLLOWED BY SERVICE IN OTHER EMPLOYMENTS

Ss.30#37 rep. with saving by 1972 NI 10

38 Employment in more than one public office

- (1) The Ministry^{F1} may make rules with respect to the superannuation benefits payable to and in respect of persons who have been employed in more than one public office.
- (2) Rules under this section may in particular in relation to such persons—
 - (a) modify [^{F2} any] enactments which are for the time being in force and under which pensions are payable in respect of employment in a public office;
 - (b) apply the provisions of [the civil service scheme, with or without modifications, in substitution for any] enactments, notwithstanding that [that scheme] is not otherwise applicable in relation to any of those public offices;
 - (c) make provisions as to the manner in which any pensions are to be defrayed, and in particular make provision for the payment of a transfer value by one

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- pension authority to another, including the payment of a transfer value out of the Exchequer;
- (d) define the kinds of public offices which are to be treated for the purposes of the rules as different public offices.
- (3) Subject to subsection (4), rules under this section may provide either for separate pensions under the respective enactments relating to the different employments or for a single pension under the enactments relating to the later or latest employment (or by virtue of subsection (2)(b) under [the civil service scheme]) or employ partly the one method and partly the other.
- (4) If the rules under this section provide for separate pensions in relation to different public offices the rules shall not modify [the civil service scheme] or any other enactments so as to include as reckonable service in computing one of the separate pensions service in a public office in respect of which another of those separate pensions is payable.
- (5) Rules under this section may be so framed as to apply to persons ceasing to be employed in one public office and becoming employed in another notwithstanding that the cessation of the first employment or the commencement of the second employment was before the date of the making of the rules but no rules shall be framed so as to apply when the cessation of the first employment took place before the making of the rules unless the rules are to apply only with the consent of the person ceasing to be employed, or that person is by the rules given an opportunity to elect that they shall not apply to him.
- (6) If the application of the rules in force under this section would put a particular individual in a position less advantageous than that in which he would have been if the rules did not apply in relation to him, they shall not be so applied.
- ^{F3}(6A) References in this section to enactments shall be construed as including references to the civil service scheme, and in this section “the civil service scheme” means the principal civil service pension scheme within the meaning of Article 4 of the Superannuation (Northern Ireland) Order 1972 and for the time being in force.]
- (7) In this section “pension” , in relation to any person, means a pension of any kind whatsoever payable to or in respect of him, and includes a lump sum or gratuity so payable.

Annotations:

- F1** The Ministry is defined in s.93 (rep. with saving) as M/Fin.
F2 1972 NI 10
F3 1972 NI 10

39 Meaning of “public office” and supplementary provisions.

- (1) In section 38 references to employment in a public office shall be construed as references to employment of the following kinds, and “public office” shall be construed accordingly,—
- (a) employment in the civil service (whether or not in an established capacity),
- (b) employment in any other capacity remunerated out of moneys provided by Parliament or the Consolidated Fund, not being employment in contributory service within the meaning of the Teachers (Superannuation) Acts (Northern

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Ireland) 1950 to 1963, nor employment which is reckoned as service as a civil servant under section 36^{F4}.

- (2) The Ministry^{F5} may by order—
- (a) designate any employment as employment in a public office for the purposes of this section, and
 - (b) add to, amend or repeal any of the provisions of subsection (1),
- and an order under this subsection may include transitional and supplemental provisions.
- (3) Section 38 and this section shall have effect subject to the transitional provisions in paragraphs 8 and 9 of Schedule 9.
- (4) Service as a clerk of petty sessions or as an assistant clerk of petty sessions shall be deemed always to have been employment in a public office where apart from this subsection it would not have been employment in a public office.

Annotations:

F4 S.36 provides that prior police service of certain inspectors of weights and measures is to be reckoned as service as a civil servant

F5 The Ministry is defined in s.93 (rep. with saving) as M/Fin.

Ss.40#42 rep. with saving by 1972 NI 10

43 Application of certain provisions to persons employed in public office, etc., or approved employment.

- (1) The provisions of [^{F6} the principal civil service pension scheme within the meaning of Article 4 of the Superannuation (Northern Ireland) Order 1972 ^{M1} and for the time being in force] shall, in relation to persons—
- (a) who, whether before or after they are civil servants serve in a public office (not in the civil service) within the meaning of section 38; or
 - (b) to whom any regulations which are made under section 31 or 32^{F7} apply; or
 - (c) to whom subsection (1)(f) of section 12A of the Teachers (Superannuation) Act (Northern Ireland) 1950 ^{F8} and any rules which are made under that subsection apply; or
 - (d) who are transferred Irish officers;

have effect subject to such adaptations and modifications as may be prescribed by rules made by the Ministry^{F9}; and where rules are made under this subsection, they may contain provisions modifying, in relation to the persons affected by the rules, any other enactment relating to the pensions and other benefits payable to or in respect of them.

Subs.(2)(3) rep. with saving by 1972 NI 10

Annotations:

F6 1972 NI 10

F7 *Ss.31,32* provide that prior teaching service of certain civil servants is to be reckoned as service as a civil servant

F8 Rep. with saving, 1972 NI 10

F9 The Ministry is defined in s.93 (rep. with saving) as M/Fin.

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Marginal Citations

M1 1972 NI 10

Ss.44, 45 rep. with saving by 1972 NI 10

Part II (ss.46—58) rep. with saving by 1972 NI 10

Part III (ss.59—74) rep. with saving by 1972 NI 10

PART IV

MISCELLANEOUS AND GENERAL

Ss.75#86 rep. with saving by 1972 NI 10

GENERAL

Ss.87, 88 rep. with saving by 1972 NI 10

89 Provisions as to rules and orders.

(1) All rules [^{F10} and orders made under this Act] shall be subject to negative resolution.

Subs.(2) rep. with saving by 1972 NI 10

Annotations:

F10 1972 NI 10

90 Financial provisions.

(1) There shall be paid out of the Consolidated Fund—

- (a) any payments to be so made under provisions of this Act or the Superannuation Act 1965 relating to public offices; and
- (b) any increase attributable to this Act in the sums to be so paid under any other Act.

(2) There shall be paid out of moneys provided by Parliament—

- (a) any pension, allowance, gratuity or return of contributions, with or without interest, which is payable under or by virtue of any of the provisions of this Act and does not fall to be paid from some other fund;
- (b) any sums to be so paid under the provisions of the Superannuation Act 1965 relating to public offices;

Para.(c) rep. with saving by 1972 NI 10

- (d) any administrative expenses incurred by any government department under this Act.

Subs.(3) rep. with saving by 1972 NI 10

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91 Meaning of “civil service” and “civil servant” and supplementary provisions.

- (1) In this Act “civil service” means the civil service of Northern Ireland.
- (2) In this Act “civil servant” means a person (not being a transferred Irish officer who was an established civil servant in the permanent civil service of the United Kingdom at the date on which he became an officer of the Government of Northern Ireland or was allocated to that Government) serving in an established capacity in the permanent civil service, and references in this Act to persons ceasing to be civil servants, to persons retiring from being civil servants and to retired civil servants shall be construed accordingly.
- (3) Except where the context otherwise requires, any reference in this Act to a person ceasing to be a civil servant includes a reference to the death of a person who dies while he is a civil servant.
- (4) For the purposes of this Act no person shall be deemed to have served in the permanent civil service unless he holds his appointment directly from the Crown or has been admitted into the civil service with a certificate from the Civil Service Commissioners for Northern Ireland or as a specially appointed officer.
- (5) For the purposes of this Act, any person—
 - (a) who has served as a civil servant and commenced so to serve at any time between the 6th June 1921 and the 22nd December 1926; and
 - (b) in relation to whom a certificate was issued by the Civil Service Commissioners for Northern Ireland on or before the 22nd December 1926,
 shall be deemed to have been admitted with the said certificate into the civil service upon such date as the Ministry^{F11} may certify in that behalf, notwithstanding that the said certificate may have been issued after the date certified by the Ministry.

Annotations:

F11 The Ministry is defined in s.93 (rep. with saving) as M/Fin.

Ss.92,93 rep. with saving by 1972 NI 10

S.94 rep. by SR 1979/103

95 Savings and transitional provisions.

- (1) The savings and transitional provisions contained in Schedule 9 shall have effect.

Subs.(2) rep. with saving by 1972 NI 10

S.96 rep. with saving by 1972 NI 10

97 Short title and commencement.

This Act may be cited as the Superannuation Act (Northern Ireland) 1967 ...
Commencement

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SCHEDULE 1#7

Schedules 1#7 rep. with saving by 1972 NI 10

Schedule 8 rep. by SR 1979/103

SCHEDULE 9

Section 95(1).

SAVINGS AND TRANSITIONAL PROVISIONS

Paras.1#4 rep. with saving by 1972 NI 10

PROVISIONS RELATING TO PART I OF ACT

Paras.5#7 rep. with saving by 1972 NI 10

- 8 In relation to service at any time before 7th August 1966 the expression “public office” in sections 38 and 39 includes any public office within the meaning of the Superannuation Act 1892 as in force at that time.
- 9 (1) The Superannuation (Public Offices) Rules (Northern Ireland) 1911 to 1958 shall continue in force and have effect as if made under section 38, and may be amended or revoked accordingly.
- (2) Subject to being so amended, in those rules the expression “public office”, in relation to service before 7th August 1966, means any such office as is described in paragraph 8 and in relation to service at any later time has the meaning given by section 39.

Paras.10#17 rep. with saving by 1972 NI 10

Schedule 10 rep. with saving by 1972 NI 10

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