SUPERANNUATION

National Insurance, p. 1222 | *War Service*, p. 1263
Unestablished Service, p. 1259

Adjustment of Civil Servants' Pensions in relation to National Insurance

REGULATIONS DATED 31ST MARCH, 1948, MADE BY THE MINISTRY OF FINANCE UNDER SUB-SECTION (4) OF SECTION SIXTY-SIX OF THE NATIONAL INSURANCE ACT, (NORTHERN IRELAND), 1946.

Amended S.R.O.(N.I.) 1949 No. 48

1948. No. 91

The Ministry of Finance (hereinafter referred to as " the Ministry "), in exercise of the powers conferred by sub-section (4) of section sixty-six of the National Insurance Act (Northern Ireland), 1946 (**a**), and of all other powers enabling it in that behalf, hereby makes the following Regulations :—

1. These Regulations may be cited as the National Insurance (Modification of the Superannuation Acts) Regulations (Northern Ireland), 1948.

2. For the purposes of these Regulations —

(1) The expression " 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 1947.

(2) The expression " civil servant " has the meaning assigned to it by sub-section (1) of Section 1 of the Superannuation Act, 1921 (**b**).

(3) The expression " superannuation allowance " includes any annual superannuation, compensation or retiring allowance payable to a civil servant under the Superannuation Acts, but does not include any annual allowance granted in the case of death or injury arising from service in accordance with the terms of a warrant made by the Ministry.

(4) References to the provisions of any enactment shall be construed, except where the context otherwise requires, as references to those provisions as amended or re-enacted by any subsequent enactment.

(5) References to any provisions of any Act of the Parliament of the United Kingdom included among the Acts of that Parliament which may be cited together as the Superannuation Acts, 1834 to 1946, shall, unless the context otherwise requires

(a) 1946, c. 23. (b) 12 Geo. 5 c. 3 (N.I.).

be construed as references to those provisions as applied to the civil service of Northern Ireland by the Superannuation Acts (Northern Ireland), 1921 to 1947.

(6) A person shall be deemed to be over any age therein mentioned if he has attained that age.

3. These Regulations shall not apply to civil servants who —

(*a*) became civil servants or under the provisions of section three of the Superannuation Act, 1887 (**a**), or paragraph (*c*) of sub-section (2) of section three of the Superannuation Act (Northern Ireland), 1935 (**b**), are treated as having become civil servants before the 1st day of April, 1948, or

(*b*) either in pursuance of the provisions of paragraph (*a*) of sub-section (3) of section sixty-eight of the National Insurance Act (Northern Ireland), 1946, are deemed to attain pensionable age on the expiration of ten years from the appointed day for the purposes of those provisions, or under regulations made under that Act are deemed to attain pensionable age at any later age than 65 in the case of a man or 60 in the case of a woman, or

(*c*) became civil servants through recruitment by a competition determined by the Ministry to be a Reconstruction Competition or to be a competition through which any successful candidate became a civil servant before the 1st day of April, 1948, or

(*d*) from and including the 31st day of March, 1948 to the time when they become civil servants are continuously employed in the civil service of Northern Ireland in an unestablished capacity or who, if they are not so continuously employed, are nevertheless to be entitled under the provisions of section three of the Superannuation Act (Northern Ireland), 1935 to have their service in such a capacity during any period before the 1st day of April, 1948, reckoned under sub-section (1) of that section.

4.—(1) Where a person who, having had service in another public office as defined by the Superannuation Act, 1892 (**c**), becomes a civil servant on or after the 1st day of April, 1948, and no provision was made for modifying, in connection with the passing of the National Insurance Act (Northern Ireland), 1946, or the National Insurance Act, 1946 (**d**), any scheme for the provision of pensions or other benefits in respect of such prior service, or, if such provision was made, it did not apply to that person, the Ministry may direct that these Regulations shall not apply to that person.

(**a**) 50 & 51 Vict. c. 67. (**b**) 26 Geo. 5 c. 2.
(**c**) 55 & 56 Vict. c. 40. (**d**) 9 & 10 Geo. 6 c. 67.

(2) Where a person who, having had service as an employee of an approved society or of some other body (including a body of which the society is a branch or section) administering the affairs of an approved society or of a body charged with the administration of a special scheme under section seventy-seven of the Unemployment Insurance Act (Northern Ireland), 1936 (a), becomes a civil servant on or after the 1st day of April, 1948, the Ministry may direct that these Regulations shall not apply to that person.

5. Any superannuation allowance payable to any civil servant (other than a person to whom these Regulations do not apply by virtue of Regulations 3 and 4 hereof) shall, in respect of any period during which the civil servant is, in the case of a man, over the age of 65 or is, in the case of a woman over the age of 60, be reduced by the sum of £1 14s. 0d. per annum in respect of each year of service which in the computation of the superannuation allowance has been reckoned, for the purposes of the Superannuation Acts, as service in the capacity of a civil servant.

Provided that no superannuation allowance shall be reduced by more than the sum of £67 15s. 0d. per annum.

6. In sub-section (1) of section two of the Superannuation Act (Northern Ireland), 1935, the reference to any annual superannuation, compensation or retiring allowance shall be deemed to be a reference to such allowance before any reduction is made in accordance with the provisions of Regulation 5 of these Regulations.

7. The Interpretation Act, 1889 (b), as applied to Northern Ireland by the Interpretation Act, 1921 (c), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 31st day of March, 1948, in the presence of

(L.S.) *J. A. M'Keown*,
Second Secretary.

National Insurance and Civil Service (Superannuation) (Schemes and Funds) Regulations (Northern Ireland), 1948

REGULATIONS, DATED 29TH JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE SUPERANNUATION (SPECIAL PROVISIONS) ACT (NORTHERN IRELAND), 1948.

Revoked 1948 SR&O (N.I.) 350 1948. No. 249

The Ministry of Labour and National Insurance, with the consent

(a) 26 Geo. 5 and 1 Edw. 8 c. 30. (b) 52 & 53 Vict. c. 63. (c) 12 Geo. 5 c. 4 (N.I.)