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Transferred Irish Officers

RULES, DATED 11TH OCTOBER, 1950, MADE BY THE MINISTRY OF FINANCE UNDER SUB-SECTION (1) (*c*) OF SECTION FORTY-SEVEN OF THE SUPERANNUATION ACT (NORTHERN IRELAND), 1949.

1950. No. 174

WHEREAS it is provided by sub-section (1) (*c*) of section forty-seven of the Superannuation Act (Northern Ireland), 1949 (**a**), that that Act shall in relation to persons who are transferred Irish Officers (as defined in section four of the Superannuation Act, 1921) have effect subject to such adaptations and modifications as may be prescribed by rules made by the Ministry of Finance (hereafter in these rules referred to as " the Ministry ").

AND WHEREAS the said sub-section further provides that rules made thereunder may contain provisions modifying in relation to the persons affected by the rules any other enactment relating to the pensions or other benefits payable to or in respect of them.

NOW, THEREFORE, the Ministry in exercise of the powers conferred by the said sub-section hereby makes the following Rules :—

PART I — GENERAL

1.—(1) These Rules may be cited as the Superannuation Act (Northern Ireland) (Application to Transferred Irish Officers) Rules, 1950, and shall come into operation on the 16th October, 1950.

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

" transferred Irish Officer " means a transferred Irish Officer as defined in section four of the Superannuation Act, 1921 (**b**) ;

" the Act of 1920 " means the Government of Ireland Act, 1920 (**c**) ;

" the Act of 1925 " means the Superannuation Act (Northern Ireland), 1925 (**d**) ;

" the Act " means the Superannuation Act (Northern Ireland), 1949 ;

(**a**) 1949 c. 13. (**b**) 12 Geo. 5. c. 3. (N.I.)
(**c**) 10 & 11 Geo. 5. c. 67. (**d**) 15-6 Geo. 5, c. 28.

" the United Kingdom Act " means the Superannuation Act, 1949 (a) passed by the Parliament of the United Kingdom, as that Act applies to existing Irish Officers within the meaning of the Government of Ireland Act, 1920, by virtue of the United Kingdom Order, and

" The United Kingdom Order " means the Superannuation Act (Application to Existing Irish Officers) Order, 1949 (b).

(3) The Interpretation Act, 1889 (c), shall apply for the purposes of the interpretation of these rules in like manner as it applies by virtue of the Interpretation Act, 1921 (d), for the purposes of the interpretation of an Act of the Parliament of Northern Ireland.

PART II

Adaptations and modifications of the Act as respects transferred Irish Officers to whom the United Kingdom Act applies.

2.—(1) For the purposes of this part of these Rules, the expression " the specified provisions " means the following provisions of the Act :—

(*a*) the provisions of Parts I and II, except sections seven, eight, twenty and twenty-one,

(*b*) in Part III, sections thirty-three and thirty-seven,

(*c*) in Part IV, sections forty-one to forty-three, sub-sections (4) and (5) of section forty-four, sections forty-five to forty-seven and sections fifty to fifty-five,

(*d*) the First Schedule, and so far as it is related to the provisions mentioned in the foregoing provisions of this paragraph, the Third Schedule.

(2) The specified provisions of the Act shall, so far as capable of such application, apply in relation to superannuation allowances by way of supplemental grants under section four of the Act of 1925 (which relates to the superannuation of transferred Irish Officers) as if for references in the said Parts to superannuation allowances (as defined for the purposes of the said Parts) there were substituted references to such first-mentioned superannuation allowances.

(3) Except as provided in the preceding paragraphs of this Rule, the Act shall not have effect in relation to transferred Irish officers who are existing Irish officers to whom the United Kingdom Act applies by virtue of the United Kingdom Order.

(4) In relation to transferred Irish officers who are such existing Irish officers as aforesaid the specified provisions of the Act shall have effect subject to the adaptations and modifications specified in Rule 4 of these Rules.

3. Notwithstanding anything contained in the Act, a transferred Irish officer who is an existing Irish officer to whom the United Kingdom Act applies by virtue of the United Kingdom Order shall not be

(a) 12 & 13 Geo. 6. c. 44. (b) S.I. 1949 No. 1835.
(c) 52 & 53 Vict. c. 63. (d) 12 Geo. 5. c. 4 (N.I.)

entitled to make an actual election or nomination or to make an actual revocation of an election or nomination under any of the provisions of Part I or Part II of the Act, but where such an officer has made an election or nomination under any of the provisions of Part I or Part II of the United Kingdom Act, then —

(*a*) that election or nomination shall be deemed to have been made for the purposes of the corresponding provision of Part I or Part II of the Act also ; and

(*b*) if that election is or becomes ineffective, or that nomination is refused, revoked, or is or becomes void under any of the provisions of the United Kingdom Act, that election shall be deemed to be ineffective or, as the case may be, that nomination shall be deemed to have been refused, revoked or to be or to have become void for the purposes of the corresponding provision of Part I or Part II of the Act.

4. The modifications and adaptations referred to in paragraph (4) of Rule 2 of these Rules being modifications and adaptations of the specified provisions are as follows :—

(*a*) paragraph (*c*) of sub-section (1) of section two shall not apply ;

(*b*) in sub-section (3) of section three, the words " or to twenty-six pounds per annum, whichever is the higher " shall not apply ;

(*c*) in section five —

(1) In paragraphs (*a*), (*b*) and (*c*) of sub-section (2) thereof, the words respectively —

" or to twenty-six pounds per annum whichever is the higher ",

" or to nineteen pounds ten shillings per annum, whichever is the higher ",

" or to thirteen pounds per annum, whichever is the higher ", shall not apply ;

(2) In paragraph (*a*), (*b*), (*c*) and (*d*) of sub-section (3) and in paragraph (ii) of the Proviso thereto, the words respectively —

" or to twenty-six pounds per annum, whichever is the higher ",

" or to nineteen pounds ten shillings per annum, whichever is the higher ",

" or to thirteen pounds per annum, whichever is the higher ",

" or to six pounds ten shillings per annum, whichever is the higher ",

" or to twenty-six pounds per annum, whichever is the higher ", shall not apply ;

(*d*) In section six, for the words " the next three succeeding sections " there shall be substituted the words " section nine of this Act ";

(*e*) In section nine —

(1) in sub-section (2) thereof, the words " or where the number of relevant years, as defined in sub-section (4) of this section, is nil ", shall not apply ;

(2) in sub-section (4) thereof, the words " reduced in each case by the number of years if any for which periodical contributions have been made by him and are not returnable ", shall not apply ;

(*f*) Paragraph (*c*) of sub-section (4) of section eleven shall not apply ;

(*g*) Paragraph (*c*) of sub-section (1) of section sixteen shall not apply ;

(*h*) In sub-section (4) of section seventeen, the words " or to twenty-six pounds per annum, whichever is the higher ", shall not apply ;

(*i*) In paragraphs (*a*), (*b*) and (*c*) of sub-section (3) of section eighteen the words respectively —

" or to twenty-six pounds per annum whichever is the higher ",

" or to nineteen pounds ten shillings per annum, whichever is the higher ",

" or to thirteen pounds per annum, whichever is the higher ";

shall not apply ;

(*j*) In sub-section (1) of section nineteen for the words " this and the next three succeeding sections " there shall be substituted the words " section twenty-two of this Act " ;

(*k*) In section twenty-two —

(1) sub-section (2) thereof shall not apply ;

(2) in sub-section (3) thereof, the words " where sub-section (2) of this section does not apply " shall not apply ;

(3) for sub-section (4) thereof, there shall be substituted the following sub-section —

" (4) In this section, the expression " the number of relevant years " means the number of completed years of reckonable service which the nominator has on the date when he ceases to be a civil servant."

(*l*) Paragraph (*c*) of sub-section (4) of section twenty-nine shall not apply ;

(*m*) In the First Schedule —

In article 2 of Part I thereof, and in article 5 of Part II thereof, the words —

" or to twenty-six pounds per annum, whichever is the higher." shall not apply.

PART III

Adaptations and modifications of the Act as respects transferred Irish Officers to whom the United Kingdom Act does not apply.

5. Nothing in Part II of these Rules shall affect the application of the Act in relation to transferred Irish Officers who, by virtue of sub-section (1) of section two of the Act of 1925, are included in the expression " civil servant " for the purposes of the Superannuation Acts (Northern Ireland), 1921 to 1925, and in the application of the Act in relation to such transferred Irish Officers —

(*a*) in sub-section (2) of section forty-nine thereof, after the words " abolition of office)," there shall be inserted the words " or an annual compensation allowance under the Eighth Schedule to the Government of Ireland Act, 1920," ; and

(*b*) notwithstanding anything to the contrary contained in an election or a nomination made before the commencement of these Rules, such election or nomination shall be deemed to have been made under the appropriate provision of the Act.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland, this 11th day of October, 1950, in the presence of

(L.S.) *Thos. Elwood,*
Assistant Secretary.

The Federated Superannuation System for Universities (Temporary Service and War Service) Regulations, 1950

REGULATIONS DATED 11TH OCTOBER, 1950, MADE BY THE MINISTRY OF FINANCE UNDER SUB-SECTION (3) OF SECTION 5 OF THE SUPERANNUATION ACT (NORTHERN IRELAND), 1947.

1950. No. 175

The Ministry of Finance (hereinafter referred to as " the Ministry "), in exercise of the powers conferred by sub-section (3) of Section 5 of the Superannuation Act (Northern Ireland), 1947 (a), (hereinafter called " the Act ") and of all other powers enabling it in that behalf hereby makes the following Regulations :—

PART I

Introductory

1.—(1) These Regulations may be cited as the Federated Superannuation System for Universities (Temporary Service and War

(a) 1947 c.18