1959. No. 106 **[C]**

SUPERANNUATION

Interchange between the Federated Superannuation System for Universities and the Civil Service of Northern Ireland

RULES, DATED 23RD JUNE, 1959, MADE BY THE MINISTRY OF FINANCE JOINTLY WITH THE MINISTRY OF AGRICULTURE UNDER SECTIONS FIVE AND TEN OF THE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND), 1951, AND BY THE MINISTRY OF FINANCE UNDER SECTIONS SIX AND TEN OF THE SAID ACT.

Whereas the Governor of Northern Ireland has by Order in Council, entitled the Superannuation (Designated Employment) Order (Northern Ireland), 1958, made on the 1st day of December, 1958(**a**), designated employment which is pensionable by virtue of a superannuation scheme operated under the Federated Superannuation System for Universities as pensionable employment for the purposes of paragraph (*e*) of sub-section (1) of section five of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1951(**b**), and has therein specified the Ministry of Agriculture as the appropriate Ministry in relation to such employment for the purposes of paragraph (*b*) of sub-section (2) of the said section five.

Now, therefore, the Ministry of Finance and the Ministry of Agriculture acting jointly in exercise of the powers conferred upon them by sections five and ten of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1951, hereby make the Rules contained in Parts I and II hereof and the Ministry of Finance in exercise of the powers conferred on it by sections six and ten of the said Act hereby makes the Rules contained in Part III hereof.

PART I—GENERAL PROVISIONS

1. These Rules may be cited as the Superannuation (Civil Service of Northern Ireland and Federated Superannuation System for Universities) Interchange Rules (Northern Ireland), 1959, and shall come into operation on the 1st day of July, 1959.

2. In these Rules the following expressions have the meanings hereby respectively assigned to them:

"the Act" means the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1951;

"civil servant" means a person serving in an established capacity in the permanent Civil Service of Northern Ireland;

"F.S.S.U. employment", in relation to any person, means employment (not being employment in the Civil Service of Northern Ireland) in which that person is a participant in a superannuation scheme operated under the Federated Superannuation System for Universities;

"pension" has the meaning assigned to it by the Act;

"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 1958;

(**a**) S.R. & O. (N.I.) 1958, No. 191. (**b**) 1951. c. 28.

"transfer value" has the same meaning as "accrued superannuation value" as that expression is defined in the Act.

PART II—PROVISIONS RELATING TO PERSONS TRANSFERRING FROM F.S.S.U. EMPLOYMENT TO THE CIVIL SERVICE

3.—(1) This part of these Rules shall apply to any person who becomes a civil servant within twelve months after ceasing to be employed in F.S.S.U. employment or within such longer period thereafter as the Ministry of Finance may allow in any particular case.

(2) This part of these Rules shall apply to such person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be employed in F.S.S.U. employment or became a civil servant before the passing of the Act or the coming into operation of these Rules, provided that—

(*a*) he ceased to be employed in F.S.S.U. employment not earlier than the 1st day of April, 1950; and

(*b*) he does not within six months after the date of the coming into operation of these Rules notify the Department in which he is then employed, or, if he has ceased to be employed as a civil servant, the Department in which he was last employed that he does not desire these Rules to apply to him.

(3) In this part of these Rules a person to whom this part applies is referred to as "the officer".

4. The period of the officer's continuous service in respect of which, immediately before he ceased to be employed in F.S.S.U. employment, contributions were paid by him and his employer under a superannuation scheme operated under the Federated Superannuation System for Universities shall, for the purpose only of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him, but for no other purpose, be reckoned as service in the capacity of a civil servant.

5. Where section thirty-two of the Superannuation Act (Northern Ireland), 1949(**a**), applies to the officer, that section shall have effect in relation to him as if for the references in sub-sections (1) and (2) thereof to twenty years there were substituted references to a period equivalent to the amount by which twenty years exceeds the number of completed years in the period of the officer's service which is mentioned in the last preceding Rule.

PART III—PROVISIONS RELATING TO PERSONS TRANSFERRING FROM THE CIVIL SERVICE TO F.S.S.U. EMPLOYMENT

6.—(1) This part of these Rules shall apply to any person who:—

(*a*) becomes employed in F.S.S.U. employment within twelve months after ceasing to be employed as a civil servant or within such longer period thereafter as the Ministry of Finance may allow in any particular case; and

(*b*) has before changing his employment as aforesaid obtained the consent of the Head Officer of the Department in which he ceased to be employed; and

(a) 1949. c. 13.

(*c*) has not become eligible for a pension under the Superannuation Acts; and

(*d*) within three months after the date on which he enters F.S.S.U. employment or within six months after the date of the coming into operation of these Rules, whichever period last expires, notifies the Department in which he ceased to be employed that he desires these Rules to apply to him.

(2) This part of these Rules shall apply to such a person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be employed as a civil servant or became employed in F.S.S.U. employment before the passing of the Act or before the coming into operation of these Rules provided that he ceased to be employed as a civil servant not earlier than the 1st day of April, 1950.

(3) In this part of these Rules a person to whom this part applies is referred to as "the officer".

7. If the body administering the superannuation scheme in which the officer is a participant (such body being a constituent Institution of the Federated Superannuation System for Universities) undertakes to invest or secure the investment of the transfer value hereinafter mentioned for the officer's benefit under that scheme in the purchase of a policy of insurance on his life providing for the payment, on his retirement on or after a specified age, or on earlier retirement through incapacity, of an annuity to him or of such joint annuity to him and another as he may be entitled to select in accordance with the terms of the said scheme, such annuity or joint annuity not to be capable of assignment or of commutation except to such extent as the Ministry of Finance may approve, the Ministry of Finance may, upon these Rules becoming applicable to the officer, pay to the said body a transfer value calculated in accordance with tables prepared by the said Ministry in respect of such of the officer's service as is reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

Provided that where the officer ceased to be employed as a civil servant more than twelve months before the coming into operation of these Rules the age which shall be taken into account for the purpose of calculating the transfer value payable under this Rule shall be his age on the date of the coming into operation of these Rules.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 23rd day of June, nineteen hundred and fifty-nine, in the presence of

(L.S.) *C. J. Bateman,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 23rd day of June, nineteen hundred and fifty-nine, in the presence of

(L.S.) *J. V. Bateman,*
Assistant Secretary.