Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969

1969 CHAPTER 7

1 [F1]Effect of pension in respect of public office on remuneration in judicial or related office.

(1) Where, in the case of any person who after the passing of this Act becomes the holder of an office to which this section applies, there is payable to that person any pension in respect of any other public office in the United Kingdom to which he had previously been appointed or elected, then, subject to subsection (2), the remuneration which would apart from this section be payable to that person as holder of the first-mentioned office shall be abated by the amount of that pension.

(2) Where the Ministry of Finance (in this Act referred to as "the Ministry") is satisfied that the office to which this section applies held by any such person is held on a part-time basis only, the reference in subsection (1) to the amount of the pension there referred to shall be construed as a reference to such amount as appears to the Ministry to bear to the full amount of that pension the same proportion as the remuneration payable to that person as the holder of that office bears to what that remuneration would have been if the office had been held on a full-time basis.

(3) For the purpose of computing the pension payable to any such person in respect of the office to which this section applies held by him and any derivative benefit which depends upon his eligibility for such a pension, the amount of that person's annual remuneration as the holder of that office shall, notwithstanding that the remuneration is abated by reason of this section, be treated as the amount which would be payable apart from this section and not the amount as so abated.

(4) This section applies to any judicial or related office to which there is applicable for the time being, whether with or without modifications, any of the following enactments relating to pensions or retiring age, namely—

(a) section 116…[F2] of the County Courts Act (Northern Ireland) 1959 ;

(b) section 2 of the Resident Magistrates' Pensions Act (Northern Ireland) 1960 ;

(c) section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 ;

Status: *Point in time view as at 01/01/2006.*
Changes to legislation: *There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969. (See end of Document for details)*

[F3](d) paragraphs 5 to 7 of Schedule 10 to the Social Security (Northern Ireland) Act 1975 ;]

(e) section 2 of this Act.

(5) In subsection (3), "derivative benefit" means any lump sum or widow's or children's pension payable under the Judicial Pensions Act (Northern Ireland 1951 , or under any of the enactments mentioned in subsection (4).

F1 1990 c. 41
F2 SR 1979/103
F3 1975 c.18

2 Pensions for presidents of the industrial court and industrial tribunals.

(1) [[F4] The Department of Manpower Services] may make to [[F4] the Department of the Civil Service], as respects—

(a) the holder of the office of President of the Industrial Court,[F5]. . . remunerated on an annual basis, and

[[F6](b) the holder of any of the following offices who is remunerated, apart from any allowances, on an annual basis, that is to say—

(i) President or Vice-President of the Industrial Tribunals and the Fair Employment Tribunal; and

(ii) member of a panel of chairmen established by regulations under Article 3 of the Industrial Tribunals (Northern Ireland) Order 1996 or appointed under Article 82(1)(c) of the Fair Employment and Treatment (Northern Ireland) Order 1998;**]**

a recommendation that [[F4] the Department of the Civil Service] pay to the holder (in this section**[**[F7] and in section 2A**]** referred to as "the pensioner") an annual sum by way of superannuation allowance calculated in accordance with subsection (3).

[[F8](1A) Subsection (1) shall not apply in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act**]**

(2) No such allowance shall be payable unless the pensioner has completed**[**[F9] two years**]** of relevant service and either—

(a) the pensioner has at the time of his retirement attained the age of seventy-two or, where he retires after fifteen years of relevant service, the age of sixty-five; or

(b) [[F4] the Department of Manpower Services] is satisfied by means of a medical certificate that at the time of the pensioner's retirement the pensioner is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.

(3) The said annual sum shall be a sum not exceeding such fraction of the pensioner's last annual remuneration (apart from any allowances) as in the following Table corresponds with the number of the pensioner's completed years of relevant service.

TABLE

Years of relevant service	*Fraction of remuneration*

[[F9]2 to 4**]**	**[**[F9]. . . . . .**]**	**[**[F9]three-fortieths**]**
5	. . . . .	ten-fortieths
6	. . . . .	eleven-fortieths
7	. . . . .	twelve-fortieths
8	. . . . .	thirteen-fortieths
9	. . . . .	fourteen-fortieths
10	. . . . .	fifteen-fortieths
11	. . . . .	sixteen-fortieths
12	. . . . .	seventeen-fortieths
13	. . . . .	eighteen-fortieths
14	. . . . .	nineteen-fortieths
15 or more	. . . . .	twenty-fortieths

(4) In this section "relevant service" means—

(a) service remunerated on an annual basis during which the pensioner served on a whole-time basis as holder of the relevant office referred to in subsection (1) or as holder of that office and**[**[F10] any other office referred to in that subsection; or

(b) service remunerated on an annual basis during which the pensioner held the relevant office referred to in subsection (1) on a part-time basis and at the same time held an office to which there was applicable any of the enactments, other than this section, referred to in section 1(4); or

(c) service in such other capacity under the Crown as may be prescribed by regulations made by**[**[F11] the Department of the Civil Service subject to negative resolution.

Subs. 5 rep. by 1993 c. 8

(6) **[**[F12]Section 5, 6, 6A, 7 to 11A, 15 and 17A of, and Schedule 2A and the Fourth Schedule to, the Judicial Pensions Act (Northern Ireland) 1951(in this section referred to as "the relevant provisions"), shall have effect as if—

(a) the capacity of holder of an office referred to in subsection (1) were specified in section 3 of that Act; and

(b) in relation to that capacity "relevant service" had the meaning assigned by subsection (4); and

(c) in relation to the holder of such an office, any reference in the said section 5 to his last annual salary were a reference to his last annual remuneration apart from any allowances.

[[F13](d) in relation to the holder of such an office, any reference in section 3A or 11(1A) of that Act to an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 were a reference to an election under section 2A of this Act.

[[F14](e) in relation to the holder of such an office—

(i) any reference in sections 7 and 11A of, and Schedule 2A and paragraph 3 of the Fourth Schedule to, that Act to the Lord Chancellor were a reference to the Department of Economic Development,

Status: *Point in time view as at 01/01/2006.*
Changes to legislation: *There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969. (See end of Document for details)*

(ii) any reference in the provisions mentioned in sub-paragraph (i) to the Treasury were a reference to the Department of Finance and Personnel; and

(iii) in paragraph 1 of Schedule 2A, in the definition of "disregarded service"; and in paragraph 4(4) of the Fourth Schedule any reference to paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 were a reference to section 2A of this Act; and

(f) in relation to the holder of such an office, in section 11A(6) of, and paragraph 2 of Schedule 2A and paragraph 3(3) of the Fourth Schedule to, that Act, for the words from "annulment" onwards there were substituted " negative resolution ".

(7) Subject to subsection (8), a person about to be appointed to an office referred to in subsection (1) shall, before being so appointed, furnish to**[**[F15] the Department of Manpower Services satisfactory evidence that his health is suitable for the discharge of the duties of the office.

(8) A person about to be appointed to an office referred to in subsection (1) may elect that he shall not, before being so appointed, furnish evidence as to his health, and where a person is so appointed after having made such an election, then, subject to subsections (9) and (10), as respects him,**[**[F16] the relevant provisions shall not have effect until he has completed ten years of relevant service.

(9) Where**[**[F17] the Department of Manpower Services is satisfied that the health of a person who has made an election under subsection (8) has throughout his service been such that it has enabled him duly to discharge the duties of his office,**[**[F18] that Department may, after he has completed ten years of relevant service, direct that**[**[F19] the relevant provisions shall have effect as if he had not made that election.

(10) A person who has made an election under subsection (8) may at any time during his tenure of office furnish to**[**[F20] the Department of Manpower Servicessatisfactory evidence as to his health and**[**[F21] that Departmentmay thereupon direct that for the purposes of**[**[F22] the relevant provisions that person shall be treated as if he had not made that election.

(11) Where the rate of the superannuation allowance payable to any person under subsection (1) is or would be increased by virtue of regulations made under subsection (4)(*c*) in respect of relevant service in some capacity other than as holder of an office referred to in subsection (1), and a pension payable to him wholly in respect of that other capacity would have been paid and borne otherwise than out of money provided by Parliament, any pension benefits paid to or in respect of him as having been the holder of an office referred to in subsection (1) shall, to such an extent as**[**[F23] the Department of the Civil Service may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in like manner as that in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.

(12) In this section "pension" includes any superannuation or other retiring allowance or gratuity and "pension benefits" includes benefits payable to or in respect of the pensioner by virtue of subsection (6).**]]]]]]]]]]]]]]**

F4 1980 NI 17
F5 1992 NI 5
F6 1998 NI 21

F7 SR 1989/123
F8 1993 c. 8
F9 1991 NI 24
F10 1980 NI 17
F11 1980 NI 17
F12 1991 NI 24
F13 SR 1989/123
F14 1991 NI 24
F15 1980 NI 17
F16 1991 NI 24
F17 1980 NI 17
F18 1980 NI 17
F19 1991 NI 24
F20 1980 NI 17
F21 1980 NI 17
F22 1991 NI 24
F23 1980 NI 17

[F24 2A

(1) A pensioner shall, while he holds any office—

(a) be deemed to be a member of the occupational pension scheme except during such time as**[**F25 an election**]** is in force in respect of him; and

[F25(b) be entitled at any time to serve on the Department a written notice of election not to be a member of the occupational pension scheme, to take effect on a date not less than one month after the date on which it was served.**]**

(2) **[**F25An election**]**

(a) shall take effect not less than three months after the date on which it was served on the Department;

(b) shall subject to the provisions of subsection (7), be irrevocable; and

(c) shall not cease to be in force by reason only that the person who made it becomes the holder of any office different from the one which he held when he made the election.

(3) While**[**F25 an election**]** is in force in respect of a pensioner, any service of his described in subsection (4) of section 2 shall not be counted as "relevant service" for the purposes of subsection (3) of that section.

(4) **[**F25An election**]** shall not affect any superannuation allowance for which its maker was eligible under the occupational pension scheme before the date on which it takes effect.

(5) At any time after a pensioner has made**[**F25 an election**]**, and while he holds any office, he may apply in writing to the Department requesting admission to the occupational pension scheme.

(6) A person who has made an application under subsection (5) (hereinafter called "the applicant") shall

(a) supply such evidence relating to his health as the Department may reasonably require; and

(b) submit to any medical examination reasonably specified by the Department.

(7) The Department may, if it is satisfied that the applicant is in good health admit him to the occupational pension scheme on a date not less than three months after the date

on which the application was served and upon the date of the applicant's admission to that scheme his election shall cease to be in force.

(8) The Department shall notify an applicant of its decision in writing within three months after the date on which the application was served.

(9) In this section—

[[F25]"election" means an election made under and in accordance with subsection (1);**]**

"occupational pension scheme" means arrangements established by section 2(1) to (5) for the payment of a superannuation allowance to a pensioner;

"Department" means the Department of Economic Development;

"office" means any office specified in section 2(1);

*Definitions rep. by SR 2003/483***]**

F24 SR 1989/123
F25 SR 2003/483

3 Extension of class of Ministerial office for pension purposes.

(1) In section 1(9)(*a*) of the Ministerial Offices Act (Northern Ireland) 1952 [M1] ("Minister of Northern Ireland" for pension purposes means the Prime Minister, Ministers who are heads of departments and the Minister in the Senate) for the words from "Ministers" onwards there shall be substituted the words " and Ministers of Northern Ireland (whether or not heads of departments) " .

(2) Subsection (1) has effect in relation to a person who became a Minister of Northern Ireland before the passing of this Act as well as to a person who becomes such a Minister after that passing.

(3) Where subsection (1) has effect in relation to any person, references in section 1 of the said Act of 1952 as amended by this section to a period for which a person has held any Ministerial Office include references to any such period occurring before the passing of this Act.

Marginal Citations
M1 1952 c. 15

S.4 rep. by 1998 c. 47

Ss.5#8 rep. with saving by 1972 NI 10

9 Financial provisions.

(1) There shall be paid out of the Consolidated Fund any increase attributable to this Act in the sums to be so paid under any other Act.

(2) There may be paid out of money provided by Parliament—

(a) any pension, gratuity or other amount which is payable under this Act and does not fall to be paid from the Consolidated Fund or from some other fund; and

(b) any increase attributable to this Act in the sums which under any other enactment are payable out of money so provided.

10 Short title.

(1) This Act may be cited as the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969.

Subs.(2) rep. by 1972 NI 10

Status:
Point in time view as at 01/01/2006.

Changes to legislation:
There are currently no known outstanding effects for the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969.