
STATUTORY INSTRUMENTS

1972 No. 1073

Superannuation (Northern Ireland) Order 1972

Provisions ancillary to Articles 9 to 12

Statement of case by government department

13. Where under any regulations made under Article 9, 11 or 12 any question falls to be determined by a government department, then, at any time before the question is determined, that department may (and if so directed by the Court of Appeal shall) state in the form of a special case for determination by the Court of Appeal any question of law arising out of the question which falls to be determined by that department.

Further provisions as to regulations

14.—(1) Any regulations made under Article 9, 11 or 12 may be framed so as to have effect as from a date earlier than the making of the regulations.

(2) Subject to paragraph (3), any regulations made under Article 9, 11 or 12 may be framed—

- (a) so as to apply in relation to the pensions which are being paid or may become payable under the regulations to or in respect of persons who, having served in an employment or office service in which qualifies persons to participate in the benefits for which the regulations provide, have ceased to serve therein^[F1] (whether or not they have subsequently recommenced any such service) or died before the regulations come into operation; or
- (b) so as to require or authorise the payment of pensions to or in respect of such persons.

(3) No provision shall be made by any regulations by virtue of paragraph (2) unless any person who is placed in a worse position than he would have been in if the provision had not applied in relation to any pension which is being paid or may become payable to him is by the regulations given an opportunity to elect that the provision shall not so apply^[F1] in relation to that pension except as provided by paragraph (3A)].

^[F1](3A) If, at the coming into operation of the provision mentioned in paragraph (3), a person who makes such an election as is mentioned in that paragraph is serving in an employment or office to which the regulations governing the pension apply, or if he subsequently recommences service in such an employment or office, then—

- (a) the election shall have effect in relation to the pension only to the extent that it accrues or has accrued—
 - (i) by virtue of periods of service rendered before the cessation referred to in paragraph (2) (or, if there has been more than one such cessation, the last of them before the coming into operation of the provision in question); or
 - (ii) by virtue of contributions paid in respect of any such periods of service; and
- (b) in determining entitlement to, or the amount of, the pension to that extent, he shall (without prejudice to the application of this paragraph) be treated as if he had never recommenced service in such an employment or office at any time after the cessation referred to in sub-paragraph (a);

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and the provision in question shall apply accordingly.]

(4) In the foregoing provisions of this Article “pension” includes allowance and gratuity.

(5) Regulations made under Article 9, 10, 11 or 12 shall be subject to negative resolution.

F1 [1990 NI 13](#)

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