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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 180**

**LANDS TRIBUNAL**

**Lands Tribunal (Superannuation)  
(Amendment) Order (Northern Ireland) 1998**

*Made - - - - 11th May 1998*

*To be laid before Parliament under paragraph 3(3) of  
Schedule 1 to the Northern Ireland Act 1974*

*Coming into operation 30th June 1998*

In exercise of the powers conferred by section 2(5) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964<sup>(1)</sup> and now vested in me<sup>(2)</sup> and all other powers enabling me in that behalf, I hereby make the following Order:

**Title and commencement**

1. This Order may be cited as the Lands Tribunal (Superannuation) (Amendment) Order (Northern Ireland) 1998 and shall come into operation on 30th June 1998.

**Amendments of the Lands Tribunal (Salaries and Superannuation) Order (Northern Ireland) 1964**

2.—(1) The Lands Tribunal (Salaries and Superannuation) Order (Northern Ireland) 1964<sup>(3)</sup> shall be amended in accordance with this Article.

(2) In Article 2 (interpretation), after paragraph (2) there shall be added—

“(3) For the purposes of Part III, a person shall be taken to have retired from office as a member on the ground of permanent infirmity where the Department is satisfied, by means of a medical certificate, that he retired by reason of an infirmity of mind or body which rendered him incapable of discharging the duties of his office and that the incapacity is likely to be permanent.”.

(3) In Article 4 (annual pension)—

(a) for paragraph (1) there shall be substituted—

“(1) The Department may grant to a member an annual sum by way of pension if he has completed at least 2 years' service and—

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<sup>(1)</sup> 1964 c. 29 (N.I.)

<sup>(2)</sup> By the Northern Ireland Constitution Act 1973 (c. 36) s. 40 Sch. 5 para 4(2)

<sup>(3)</sup> S.R. & O. (N.I.) 1964 No. 191

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (a) he retires from office;
- (b) his office is declared vacant under section 2(4) of the Act; or
- (c) his service is otherwise terminated.

(1A) Except as provided by paragraph (1B), a pension granted under paragraph (1) shall be payable to a person from the date when he attains the age of 65 years or ceases to hold office as a member, whichever is the later.

(1B) A pension granted under paragraph (1) to a person who retires on the grounds of permanent infirmity shall be payable to him from the date of his retirement.”.

(b) in paragraph (2), for sub-paragraph (a) there shall be substituted—

- “(a) for the first 2 completed years of service, six-eightieths of the last annual salary;
- (aa) for each completed year of service in excess of 2 and up to 5, three-eightieths of the last annual salary;”.

Northern Ireland Office  
11th May 1998

*M. Mowlam*  
One of Her Majesty’s Principal Secretaries of  
State

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order amends the Lands Tribunal (Salaries and Superannuation) Order (Northern Ireland) 1964 so as to allow the Department of Finance and Personnel to grant a member of the Lands Tribunal for Northern Ireland a short-service pension after 2 years' instead of 5 years' service. It also widens the circumstances in which a short service pension may be granted (Article 2(2) and (3)(a)). There are consequential changes to the rules for calculating sums payable by way of pension (Article 2(3)(b)).