

1971. No. 12

[C]

SUPERANNUATION**Interchange between the Civil Service of Northern Ireland
and the Civil Service of Jersey**

RULES, DATED 8TH JANUARY 1971, MADE BY THE MINISTRY OF FINANCE UNDER SECTIONS 33 AND 34 OF THE SUPERANNUATION ACT (NORTHERN IRELAND) 1967.

The Ministry of Finance, in exercise of the powers conferred on it by sections 33 and 34 of the Superannuation Act (Northern Ireland) 1967(a), and of all other powers enabling it in that behalf, hereby makes the following rules:—

PART I**GENERAL***Citation and commencement*

1. These rules may be cited as the Superannuation (Civil Service of Northern Ireland and Civil Service of Jersey) Interchange Rules (Northern Ireland) 1971 and shall come into operation on 1st February 1971.

Interpretation

2. In these rules—

“the Act” means the Superannuation Act (Northern Ireland) 1967;

“civil servant” means a person serving in an established capacity in the permanent civil service of Northern Ireland;

“the Committee” means the Establishment Committee of the States of Jersey;

“member of the civil service of Jersey” means a member of the civil service of Jersey who is pensionable under the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations, 1967 or the Civil Service Administration (Pensions) (Jersey) Rules 1963;

“pension” has the meaning assigned to it by section 33 of the Act;

“the Superannuation Acts” means the Superannuation Acts (Northern Ireland) 1967 and 1969;

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

PART II**TRANSFER FROM CIVIL SERVICE OF JERSEY TO
CIVIL SERVICE OF NORTHERN IRELAND***Application*

3.—(1) This part shall apply to any person who—

(a) becomes a civil servant within twelve months after ceasing to be a member of the civil service of Jersey or within such longer period as the Ministry of Finance may with the agreement of the Committee in any particular case allow; and

- (b) has not received payment of a pension (other than a return of contributions) from the Committee; and
- (c) within three months after becoming a civil servant or within six months after the coming into operation of these rules or within such longer period as the Ministry of Finance may with the agreement of the Committee in any particular case allow notifies the Ministry of Finance in writing that he desires this part to apply to him and furnishes that Ministry with particulars in writing of his previous service.

(2) This part shall apply to such person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be a member of the civil service of Jersey or became a civil servant before the coming into operation of these rules:

Provided that—

- (a) he ceased to be a member of the civil service of Jersey on or after the 1st April 1950; and
- (b) the Ministry of Finance and the Committee consent.

(3) In this part a person to whom this part applies is referred to as “the officer”.

Reckoning of service

4. If the Ministry of Finance receives from the Committee a transfer value calculated in accordance with a method approved by the Ministry of Finance in respect of service which immediately before the officer ceased to be a member of the civil service of Jersey he was entitled to reckon as service in that capacity, such service shall subject to the provisions of this part be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

Provided that—

- (a) any period of such service which was not reckonable for the purpose of determining whether the officer had served for the minimum period prescribed by the regulations or rules applicable to him as a member of the civil service of Jersey as necessary for any pension to be paid to him shall not be reckoned as service in the capacity of a civil servant for the purpose 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; and
- (b) any period of service which was reckonable for the purpose of determining whether the officer had served for the minimum period prescribed by the regulations or rules applicable to him as a member of the civil service of Jersey as necessary for any pension to be paid to him but not for calculating the amount thereof shall be reckonable as service as a civil servant for the purpose of determining whether he 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 and for no other purpose.

Continuation of contributions in respect of additional service

5. Where the officer has agreed to make, but had not before he ceased to be a member of the civil service of Jersey completed making, additional contributions as a condition of his service being increased by an additional period, such additional period shall not be reckoned as service in the capacity of a civil servant under rule 4 unless the officer pays to the Ministry of Finance

sums equal to the additional contributions which he would have been liable to make had he remained a member of the civil service of Jersey at the times at which and in the manner in which they would have been payable.

Return of contributions

6. Where the officer ceases to be a civil servant in circumstances in which he is not eligible for a superannuation allowance under the Superannuation Acts, the Ministry of Finance may, provided he has not been dismissed in consequence of an offence of a fraudulent character or of grave misconduct, pay to or in respect of him whichever is the greater of the following sums:—

- (a) a sum equal to the sum which might have been paid to or in respect of him by way of a return of contributions and any interest thereon under the regulations or rules applicable to him as a member of the civil service of Jersey, if when he ceased to be employed as a member of the civil service of Jersey he had ceased to be so employed in similar circumstances; or
- (b) such a sum as the officer may be eligible to receive or as may be paid in respect of him under the Superannuation Acts by way of a short service gratuity or a death gratuity.

PART III

TRANSFER FROM CIVIL SERVICE OF NORTHERN IRELAND
TO CIVIL SERVICE OF JERSEY

Application

7.—(1) This part shall apply to any person who—

- (a) becomes a member of the civil service of Jersey within twelve months after ceasing to be a civil servant or within such longer period as the Committee with the agreement of the Ministry of Finance may allow in any particular case; and
- (b) has before or after changing his employment as aforesaid obtained the consent of the Department in which he ceased to be employed; and
- (c) has not received payment of any pension under the Superannuation Acts; and
- (d) within three months after becoming a member of the civil service of Jersey or within six months after the coming into operation of these rules or within such longer period as the Committee with the agreement of the Ministry of Finance may in any particular case allow, notifies the Committee that he desires this part to apply to him and furnishes the Committee with particulars in writing of his service as a civil servant.

(2) This part shall apply to such person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be a civil servant or became a member of the civil service of Jersey before the coming into operation of these rules:

Provided that—

- (a) he ceased to be a civil servant on or after the 1st April 1950; and
- (b) the Ministry of Finance and the Committee consent.

(3) In this part a person to whom this part applies is referred to as “the officer”.

Transfer value

8. If the Ministry of Finance is satisfied that the officer will be entitled under the regulations or rules applicable to him as a member of the civil service of Jersey to reckon as service for the purposes of those regulations or rules such of his service as is reckonable for the purposes of the Superannuation Acts as service in the capacity of a civil servant, the Ministry of Finance may, upon these rules becoming applicable to the officer, pay to the Committee a transfer value calculated in accordance with a method approved by the Ministry of Finance in respect of such of the officer's service as is reckonable as aforesaid.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 8th day of January 1971.

(L.S.)

R. M. MacDonald,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

The purpose of these rules is to preserve continuity of superannuation rights of persons who transfer between the Civil Service of Northern Ireland and the Civil Service of Jersey.

The rules provide—

- (a) that, if a person transfers from a pensionable post in the Civil Service of Jersey to a pensionable post in the Civil Service of Northern Ireland and a transfer value is paid to the Ministry of Finance, the service in the Civil Service of Jersey may be reckoned as service in the Civil Service of Northern Ireland; and
- (b) that, if a person transfers from a pensionable post in the Civil Service of Northern Ireland to a pensionable post in the Civil Service of Jersey, a transfer value may be paid by the Ministry of Finance.

The rules have retrospective effect to the extent allowed by sections 33 and 34 of the Superannuation Act (Northern Ireland) 1967.