



Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969

1969 CHAPTER 7

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

- (1) [^{F1} The Department of Manpower Services] may make to [^{F1} the Department of the Civil Service], as respects—
- (a) the holder of the office of President of the Industrial Court,^{F2} . . . remunerated on an annual basis, and
 - [^{F3}(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 [^{F1} the Department of the Civil Service] pay to the holder (in this section [^{F4} and in section 2A] referred to as “the pensioner”) an annual sum by way of superannuation allowance calculated in accordance with subsection (3).

[^{F5}(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 [^{F6} 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) [^{F1} 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.

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- (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		
<i>Years of relevant service</i>		<i>Fraction of remuneration</i>
[^{F6} 2 to 4]	[^{F6}]	[^{F6} 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 [^{F7} 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 [^{F8} the Department of the Civil Service subject to negative resolution.

Subs. 5 rep. by 1993 c. 8

- (6) [^{F9}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.

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- [^{F10}(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.
- [^{F11}(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,
 - (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^{F12} 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,^{F13} the relevant provisions shall not have effect until he has completed ten years of relevant service.
- (9) Where^{F14} 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,^{F15} that Department may, after he has completed ten years of relevant service, direct that^{F16} 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^{F17} the Department of Manpower Services satisfactory evidence as to his health and^{F18} that Department may thereupon direct that for the purposes of^{F19} 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^{F20} 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

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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).|||||

F1	1980 NI 17
F2	1992 NI 5
F3	1998 NI 21
F4	SR 1989/123
F5	1993 c. 8
F6	1991 NI 24
F7	1980 NI 17
F8	1980 NI 17
F9	1991 NI 24
F10	SR 1989/123
F11	1991 NI 24
F12	1980 NI 17
F13	1991 NI 24
F14	1980 NI 17
F15	1980 NI 17
F16	1991 NI 24
F17	1980 NI 17
F18	1980 NI 17
F19	1991 NI 24
F20	1980 NI 17

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