



# Superannuation Act (Northern Ireland) 1967

## 1967 CHAPTER 24

### PART I

#### SUPERANNUATION BENEFITS

*Ss.1#29 rep. with saving by 1972 NI 10*

#### SERVICE IN CIVIL SERVICE PRECEDED OR FOLLOWED BY SERVICE IN OTHER EMPLOYMENTS

*Ss.30#37 rep. with saving by 1972 NI 10*

### **38 Employment in more than one public office**

- (1) The Ministry<sup>F1</sup> may make rules with respect to the superannuation benefits payable to and in respect of persons who have been employed in more than one public office.
- (2) Rules under this section may in particular in relation to such persons—
  - (a) modify [<sup>F2</sup> any] enactments which are for the time being in force and under which pensions are payable in respect of employment in a public office;
  - (b) apply the provisions of [<sup>F2</sup> the civil service scheme, with or without modifications, in substitution for any] enactments, notwithstanding that [<sup>F2</sup> that scheme] is not otherwise applicable in relation to any of those public offices;
  - (c) make provisions as to the manner in which any pensions are to be defrayed, and in particular make provision for the payment of a transfer value by one pension authority to another, including the payment of a transfer value out of the Exchequer;
  - (d) define the kinds of public offices which are to be treated for the purposes of the rules as different public offices.

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*Changes to legislation:* There are currently no known outstanding effects for the Superannuation Act (Northern Ireland) 1967, PART I. (See end of Document for details)

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- (3) Subject to subsection (4), rules under this section may provide either for separate pensions under the respective enactments relating to the different employments or for a single pension under the enactments relating to the later or latest employment (or by virtue of subsection (2)(b) under [<sup>F2</sup> the civil service scheme]) or employ partly the one method and partly the other.
- (4) If the rules under this section provide for separate pensions in relation to different public offices the rules shall not modify [<sup>F2</sup> the civil service scheme] or any other enactments so as to include as reckonable service in computing one of the separate pensions service in a public office in respect of which another of those separate pensions is payable.
- (5) Rules under this section may be so framed as to apply to persons ceasing to be employed in one public office and becoming employed in another notwithstanding that the cessation of the first employment or the commencement of the second employment was before the date of the making of the rules but no rules shall be framed so as to apply when the cessation of the first employment took place before the making of the rules unless the rules are to apply only with the consent of the person ceasing to be employed, or that person is by the rules given an opportunity to elect that they shall not apply to him.
- (6) If the application of the rules in force under this section would put a particular individual in a position less advantageous than that in which he would have been if the rules did not apply in relation to him, they shall not be so applied.
- <sup>F3</sup>(6A) References in this section to enactments shall be construed as including references to the civil service scheme, and in this section “the civil service scheme” means the principal civil service pension scheme within the meaning of Article 4 of the Superannuation (Northern Ireland) Order 1972 and for the time being in force.]
- (7) In this section “pension” , in relation to any person, means a pension of any kind whatsoever payable to or in respect of him, and includes a lump sum or gratuity so payable.

**F1** The Ministry is defined in s.93 (rep. with saving) as M/Fin.

**F2** 1972 NI 10

**F3** 1972 NI 10

### 39 Meaning of “public office” and supplementary provisions.

- (1) In section 38 references to employment in a public office shall be construed as references to employment of the following kinds, and “public office” shall be construed accordingly,—
- (a) employment in the civil service (whether or not in an established capacity),
  - (b) employment in any other capacity remunerated out of moneys provided by Parliament or the Consolidated Fund, not being employment in contributory service within the meaning of the Teachers (Superannuation) Acts (Northern Ireland) 1950 to 1963, nor employment which is reckoned as service as a civil servant under section 36<sup>F4</sup>.
- (2) The Ministry<sup>F5</sup> may by order—
- (a) designate any employment as employment in a public office for the purposes of this section, and

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*Changes to legislation: There are currently no known outstanding effects for the Superannuation Act (Northern Ireland) 1967, PART I. (See end of Document for details)*

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- (b) add to, amend or repeal any of the provisions of subsection (1), and an order under this subsection may include transitional and supplemental provisions.
- (3) Section 38 and this section shall have effect subject to the transitional provisions in paragraphs 8 and 9 of Schedule 9.
- (4) Service as a clerk of petty sessions or as an assistant clerk of petty sessions shall be deemed always to have been employment in a public office where apart from this subsection it would not have been employment in a public office.

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| <b>F4</b> | S.36 provides that prior police service of certain inspectors of weights and measures is to be reckoned as service as a civil servant |
| <b>F5</b> | The Ministry is defined in s.93 (rep. with saving) as M/Fin.  |

*Ss.40#42 rep. with saving by 1972 NI 10*

#### **43 Application of certain provisions to persons employed in public office, etc., or approved employment.**

- (1) The provisions of [<sup>F6</sup> the principal civil service pension scheme within the meaning of Article 4 of the Superannuation (Northern Ireland) Order 1972 <sup>M1</sup> and for the time being in force] shall, in relation to persons—
- (a) who, whether before or after they are civil servants serve in a public office (not in the civil service) within the meaning of section 38; or
  - (b) to whom any regulations which are made under section 31 or 32<sup>F7</sup> apply; or
  - (c) to whom subsection (1)(f) of section 12A of the Teachers (Superannuation) Act (Northern Ireland) 1950 <sup>F8</sup> and any rules which are made under that subsection apply; or
  - (d) who are transferred Irish officers;

have effect subject to such adaptations and modifications as may be prescribed by rules made by the Ministry<sup>F9</sup>; and where rules are made under this subsection, they may contain provisions modifying, in relation to the persons affected by the rules, any other enactment relating to the pensions and other benefits payable to or in respect of them.

*Subs.(2)(3) rep. with saving by 1972 NI 10*

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| <b>F6</b> | 1972 NI 10   |
| <b>F7</b> | Ss.31,32 provide that prior teaching service of certain civil servants is to be reckoned as service as a civil servant |
| <b>F8</b> | Rep. with saving, 1972 NI 10   |
| <b>F9</b> | The Ministry is defined in s.93 (rep. with saving) as M/Fin.   |

#### **Marginal Citations**

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| <b>M1</b> | 1972 NI 10 |
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*Ss.44, 45 rep. with saving by 1972 NI 10*

**Changes to legislation:**

There are currently no known outstanding effects for the Superannuation Act (Northern Ireland) 1967, PART I.