

**EXPLANATORY NOTE.**

*(This note is not part of the Order, but is intended to indicate its general purport.)*

Sections 5 and 6 of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1951, provide that rules may be made to preserve continuity of pension rights where pensionable staff transfer between the Civil Service and certain specified classes of other employment. This Order provides that employment pensionable under the Federated Superannuation System for Universities shall be one of these specified classes.

**PUBLIC OFFICES**

**RULES DATED 30TH DECEMBER, 1958, MADE BY THE MINISTRY OF FINANCE UNDER SECTION SEVEN OF THE SUPERANNUATION ACT, 1909, AND PARAGRAPH 1 OF THE SECOND SCHEDULE TO THE SUPERANNUATION ACT (NORTHERN IRELAND), 1947.**

1958. No. 207

[C]

The Ministry of Finance in exercise of the powers conferred upon it by subsection (1) of section seven of the Superannuation Act, 1909(a) and by paragraph 1 of the Second Schedule to the Superannuation Act (Northern Ireland), 1947(b), and of all other powers enabling it in that behalf, hereby makes the following rules:—

1.—(1) These rules may be cited as the Superannuation (Public Offices) Amendment Rules (Northern Ireland), 1958, and shall come into operation on the 30th day of December, 1958.

(2) These rules shall be construed as one with the Superannuation (Public Offices) Rules 1911(c) and the Superannuation (Public Offices) Rules 1911 and these rules may be cited together as the Superannuation (Public Offices) Rules (Northern Ireland) 1911 to 1958.

2. In these rules—

(a) “The Superannuation (Public Offices) Rules, 1911” means the rules dated 31st July, 1911, made by the Treasury under section 7(1) of the Superannuation Act, 1909, adapting the provisions of the Superannuation Act, 1892(d), to those of the Superannuation Act, 1909;

(b) the expression “public office” means a public office as defined by section four of the Superannuation Act, 1892.

3. If—

(a) An officer after a period of service in an unestablished capacity in a public office has been transferred to

(a) 9 Edw. 7. c. 10.

(b) 1947. c. 18.

(c) S.R. & O. 1911 (No. 707) p. 285.

(d) 55 & 56 Vict. c. 40.

another public office and upon such transfer, or subsequently, is established in that other office; and

- (b) the law or regulations applicable to the employment of that officer in his unestablished capacity before his said transfer were such that if the officer had been established in that employment some part of his unestablished service therein (hereinafter referred to as "the reckonable unestablished service") would have been reckoned as established service for the purposes of the award of pension, allowance or gratuity on retirement, then
- (i) the reckonable unestablished service shall be reckoned in the calculation of the pension, allowance or gratuity to be granted to the officer under the Superannuation (Public Offices) Rules, 1911, on his final retirement; and
  - (ii) the hypothetical award referred to in rule 5 of the Superannuation (Public Offices) Rules, 1911, at the date of the officer's transfer from the service of the authority under whom he served in an unestablished capacity shall be based on the reckonable unestablished service and the emoluments received at that date.

4. Rule 1 of the Superannuation (Public Offices) Rules, 1911, shall have effect as if the following proviso were added thereto:—

"Provided that, where any person has served in two or more public offices, as so defined, he shall, notwithstanding any intervals between his service in such offices during which he has been transferred to approved employment as defined in section 4 of the Superannuation Act, 1914(a), be treated as having served continuously and successively in those offices".

5. Notwithstanding anything contained in these rules or in the Superannuation (Public Offices) Rules, 1911, the amount to be contributed by the funds and accounts of any of the authorities (other than the last authority) under whom the officer has served in an established capacity shall not be increased by virtue of the reckoning of any unestablished service not rendered to that authority.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 30th day of December, 1958, in the presence of

(L.S.)

*C. J. Bateman,*  
Assistant Secretary.

## EXPLANATORY NOTE

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

The Superannuation (Public Offices) Rules, 1911, provided for the aggregation, in certain circumstances, of periods of established service in two or more public offices for the purpose of the award of retirement pension. The present rules enable unestablished service in one public office also to be reckonable, subject to the conditions stated, for the purpose of the award of retiring pension or gratuity when the officer transfers to established service in a second public office, or having transferred in an unestablished capacity is subsequently established in that office.

The rules also give effect to the provisions of paragraph 1 of the Second Schedule to the Superannuation Act (Northern Ireland), 1947, for enabling a person who has served in two or more public offices to be treated as having served continuously and successively in those offices (thus preserving his entitlement to superannuation) notwithstanding intervals between the periods of service in such offices during which he was in employment which was recognised as "approved employment" under section 4 of the Superannuation Act, 1914.

### Transfers from the Civil Service to the Teaching Service

RULES DATED 4TH DECEMBER, 1958, MADE BY THE MINISTRY OF EDUCATION AND THE MINISTRY OF FINANCE UNDER SECTION 12A OF THE TEACHERS (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

1958. No. 217

[C]

The Ministry of Education and the Ministry of Finance acting jointly in exercise of the powers conferred upon them by Section 12A of the Teachers (Superannuation) Act (Northern Ireland), 1950(a) hereby make the following rules:—

1. These rules may be cited as the Superannuation (Transfers from the Civil Service to the Teaching Service) Rules (Northern Ireland), 1958.

2. In these rules the following expressions have the meanings hereby respectively assigned to them:—

"the Act" means the Teachers (Superannuation) Act (Northern Ireland), 1950;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1919 as applied to the civil service of Northern Ireland and the Superannuation Acts (Northern Ireland), 1921 to 1951;

"civil servant" means a person serving in an established capacity in the permanent civil service of Northern Ireland and "established service" shall be construed accordingly;