



# County Courts Act (Northern Ireland) 1959

## 1959 CHAPTER 25

### PART XIII

#### SUPERANNUATION

##### SUPPLEMENTAL AND GENERAL

#### 129 Saving for allocation of pension.

The fact that this Part applies to a person shall not affect any rights of his under [<sup>F1</sup> section 44 of the Superannuation Act (Northern Ireland) 1967 <sup>M1</sup>] (which provides for the partial allocation of superannuation benefits to wives and dependants) and any calculations to be made under this Part shall be made as if any surrender under that section of a part of a pension had not been made.

**F1** 1967 c. 24 (NI)

#### Marginal Citations

**M1** 1967 c. 24

#### 130 Saving for reduction in respect of national insurance pension.

In making any calculation under this Part any abatement of a pension falling to be made under regulations made under sub-section (4) of section sixty-six of the National Insurance Act (Northern Ireland), 1946 <sup>M2</sup> (which authorises the modification of any pensions scheme in connection with the passing of that Act) shall be left out of account.

*Status: Point in time view as at 01/01/2006. This version of this chapter contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the County Courts Act (Northern Ireland) 1959. (See end of Document for details)*

#### Marginal Citations

M2 1946 c. 23

PROSPECTIVE

### 130A<sup>F2</sup> {*prosp. insertion of s. 130A by 1991 NI 24*}

F2 *prosp.* inserted by 1991 NI 24

#### [<sup>F3</sup>131 Effect under this Act of certain nullity decrees

Where a marriage or civil partnership which is voidable, but not void from the beginning, is annulled by any court, the same results shall follow under sections one hundred and twenty-two to one hundred and thirty-three as would have followed if the marriage or the civil partnership had not been voidable but had been dissolved at the date of the annulment.]

F3 SI 2005/3325

#### 132 Recommendation of Lord Chancellor in certain cases.

The grant under the foregoing provisions of this Part of a lump sum or [<sup>F4</sup> widow's, widower's, surviving civil partner's] or children's pension conditional on eligibility for a pension for service as a judge shall require the recommendation of the [<sup>F5</sup> Lord Chancellor].

F4 SI 2005/3325

F5 1978 c. 23

#### [<sup>F6</sup>132A Appeals.

- (1) If any person to whom this section applies is aggrieved by any decision taken by the administrators of a relevant pension scheme concerning—
  - (a) the interpretation of the rules of the scheme, or
  - (b) the exercise of any discretion under the scheme,
 he shall have a right of appeal to the Lord Chancellor against that decision.
- (2) On deciding an appeal under this section, the Lord Chancellor may give to the administrators such directions as he considers necessary or expedient for implementing his decision.
- (3) The persons to whom this section applies are the following—
  - (a) any member of the scheme;
  - (b) the widow [<sup>F7</sup>, widower or surviving civil partner], or any surviving dependant, of a deceased member of the scheme;

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- (c) where the decision relates to the question—
- (i) whether a person who claims to be such a person as is mentioned in paragraph (a) or (b) is such a person, or
  - (ii) whether a person who claims to be entitled to become a member of the scheme is so entitled,
- the person so claiming.
- (4) The Lord Chancellor may by regulations make provision as to the manner in which, and time within which, appeals under this section are to be brought.
- (5) Regulations made under this section shall be subject to annulment in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.
- (6) The administrators shall be entitled to appear and be heard on any appeal under this section.
- (7) In this section—
- “the administrators”, in relation to a pension scheme, means the persons entrusted with the administration of the scheme;
- “member”, in relation to a pension scheme, means a person whose service in an office is, was or is to be subject to the scheme;
- “relevant pension scheme” means any pension scheme constituted under or by virtue of this Act;
- “rules”, in relation to a relevant pension scheme, means the provisions of this Act, and of any regulations or orders made under this Act, so far as relating to that scheme.]

<b>F6</b>	1993 c. 8
<b>F7</b>	SI 2005/3325

*S. 133 rep. by 1980 NI 3*

### [<sup>F8</sup>134 Evidence of health.

Before recommending any person to Her Majesty for appointment as a county court judge, the<sup>F9</sup> Lord Chancellor shall take steps to satisfy himself that that person's health is satisfactory.]

<b>F8</b>	1978 c. 23
<b>F9</b>	prosp. subst., 2002 c. 26

## 135 Interpretation of this Part.

- (1) In this Part the expression—
- “derivative benefit” means any lump sum under this Part or any<sup>F10</sup> widow's, widower's, surviving civil partner's] or children's pension;
- “service” includes service before the commencement of this Act, and in relation to any derivative benefit or any contribution taking the form of a reduction in a derivative benefit the said expression has the same meaning as it has in relation to the personal pension;

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“the personal pension” in relation to any derivative benefit or contribution taking the form of a reduction in a derivative benefit means the pension for which eligibility is a condition of the granting of the derivative benefit.

*Subs. (2) rep. by 1980 NI 3*

*Subs. (3) rep. by 1987 NI 22*

<b>F10</b> SI 2005/3325
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