

## SCHEDULES

### SCHEDULE 7

SRO Article 23.

#### SAVINGS AND TRANSITIONAL PROVISIONS

##### Provisions relating to civil servants, etc.

**1.—(1)** The repeal of any transferred provision by this Order shall not affect any pension, allowance or gratuity granted before the commencement of this Order under the Superannuation Acts (Northern Ireland) 1967 and 1969 or any pension, allowance or gratuity deemed by paragraph 1 of Schedule 9 to the Superannuation Act (Northern Ireland) 1967 to have been granted under that Act, and, subject to sub-paragraph (2), the pension, allowance or gratuity shall be deemed to have been granted under the principal civil service pension scheme within the meaning of Article 4.

(2) Without prejudice to Article 18, sub-paragraph (1) shall not apply in relation to a pension, allowance or gratuity granted under the said Acts of 1967 and 1969 to a person who, immediately before the pension, allowance or gratuity was granted to him, was a person listed in Schedule 5.

**2.—(1)** Any determination, decision, surrender, election, release or nomination made, certificate, direction, notice or approval given, contribution paid or other thing done under any provision of the Superannuation Acts (Northern Ireland) 1967 and 1969 which is repealed by this Order shall not be affected by the repeal but shall have effect as if made, given, paid or done under the corresponding provision of the principal civil service pension scheme within the meaning of Article 4.

(2) Article 5 shall apply in relation to payments made before the commencement of this Order in accordance with a warrant under section 18 of the Superannuation Act (Northern Ireland) 1967 or a warrant issued by virtue of section 7 of the Administrative and Financial Provisions Act (Northern Ireland) 1965 as it applies in relation to payments made in accordance with a scheme made under Article 3.

(3) Article 6(1) shall apply in relation to any person to whom a payment was made under section 87 of the Superannuation Act (Northern Ireland) 1967 as it applies in relation to any person to whom a payment is made under Article 6(1).

**3.** Any reference in any transferred provision or any document to the Superannuation Act (Northern Ireland) 1967, to the Superannuation Acts (Northern Ireland) 1967 and 1969 or to any provision of the said Act of 1967, or any reference which is to be construed as such a reference, shall be construed as, or as including, a reference to the principal civil service pension scheme within the meaning of Article 4 or to the corresponding provision of that scheme, as the case may be.

##### Provisions relating to persons employed in local government service, etc.

**4.** The repeal of any transferred provision by this Order shall not affect any superannuation benefit granted before the commencement of this Order under the Local Government (Superannuation) Acts (Northern Ireland) 1950 to 1966.

**5.** The repeal by this Order of sections 6, 6A and 6B of, the proviso to section 9 of, and Schedule 2 to, the Local Government (Superannuation) Act (Northern Ireland) 1950 (extension and preservation of rights of certain officers under enactments repealed by that Act) shall not affect the operation of those enactments in relation to the officers in question.

**Status:** Point in time view as at 01/04/2009.

**Changes to legislation:** There are currently no known outstanding effects for the Superannuation (Northern Ireland) Order 1972, SCHEDULE 7. (See end of Document for details)

- 6.—(1) Notwithstanding any repeal made by this Order the provisions of—
- (a) sections 1, 2(2), 3, 4, 5 and 5A, and, so far as applicable, section 8(1), of, and Schedule 1 to, the Local Government (Superannuation) Act (Northern Ireland) 1950,
  - (b) section 9 of the New Towns Act (Northern Ireland) 1965 ,
  - (c) sections 14, 15 and 22 of the Local Government Act (Northern Ireland) 1966 , and
  - (d) any instrument made under the Local Government (Superannuation) Acts (Northern Ireland) 1950 to 1966,

shall, as from the commencement of this Order, have effect, with the necessary adaptations and modifications, as provisions of regulations made under Article 9, and may be revoked or amended accordingly.

(2) Any reference in any transferred provision or document to any such section or Schedule of an Act, or any such instrument, or any provision of such a section, Schedule or instrument, as is mentioned in sub-paragraph (1) shall be construed as a reference to so much of regulations made under Article 9 as by virtue of that sub-paragraph consists of that section, Schedule, instrument or provision.

7. Any appointment, election, application, determination or surrender made, certificate or approval given, contribution paid or other thing done under any section, Schedule, instrument or provision such as is mentioned in paragraph 6(1) shall not be affected by the repeal of the sections and Schedule there mentioned, but shall have effect as if made, given, paid or done under the corresponding provision of regulations made under Article 9.

#### Provisions relating to teachers

8. The repeal of any transferred provision by this Order shall not affect—
- (a) any pension or annual allowance which began to accrue, or
  - (b) any additional allowance or gratuity which became payable, or
  - (c) any liability to pay contributions in respect of the person to or in respect of whom any such pension, allowance, or gratuity is or was granted which accrued,

before the commencement of this Order under the Teachers Superannuation Acts (Northern Ireland) 1950 to 1967.

- 9.—(1) Notwithstanding any repeal made by this Order—
- (a) the Teachers Superannuation Acts (Northern Ireland) 1950 to 1967, and
  - (b) the provisions of any instrument made under those Acts,

shall, as from the commencement of this Order, have effect, with the necessary adaptations and modifications, as provisions of regulations made under Article 11, and may be revoked or amended accordingly.

(2) Any reference in any transferred provision or document to any such Act, or any such instrument, or any provision of such an Act or instrument, as is mentioned in sub-paragraph (1) shall be construed as a reference to so much of regulations made under Article 11 as by virtue of sub-paragraph (1) consists of that Act, instrument or provision.

10. Any surrender, election or release made, direction, consent or approval given, contribution paid or other thing done under any Act, instrument, or provision such as is mentioned in paragraph 9(1) shall not be affected by the repeal of the Acts there mentioned, but shall have effect as if made, given, paid or done under the corresponding provision of regulations made under Article 11.

### Provisions relating to persons engaged in [<sup>F1</sup>health care], etc.

**F1** Sch. 7: word in cross-heading substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(b) (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, art. 2

**11.** Regulations or directions made or given or deemed to be made or given under section 67 of, and Schedule 8, to, the Health Services Act (Northern Ireland) 1971 and in force immediately before the commencement of this Order shall be deemed to be regulations or directions made or given under Article 12 and shall continue to have effect notwithstanding the repeal by this Order of the said section 67 and Schedule 8.

**12.** The repeal by this Order of any transferred provision contained in the Health Services Act (Northern Ireland) 1971 shall not affect any pension, allowance or gratuity granted before the commencement of this Order under that provision or preserved by that provision.

### Provisions relating to certain rules

**13.** Nothing in this Order shall affect the operation of any rules made under section 38 or 43(1) of the Superannuation Act (Northern Ireland) 1967 and any such rules in force at the commencement of this Order shall, unless and until revoked, but subject to any amendments made therein in exercise of the power to vary them, continue to have effect as if this Order had not been made.

### Saving for Interpretation Act

**14.** Nothing in this Order shall affect the provisions of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 (effect of repeals and of substituting provisions).

**Status:**

Point in time view as at 01/04/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Superannuation (Northern Ireland) Order 1972, SCHEDULE 7.