

## SUPERANNUATION.

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### Allocation of Pension.

THE SUPERANNUATION (ALLOCATION OF PENSION) RULES  
(NORTHERN IRELAND), 1936, DATED 14TH NOVEMBER, 1936.

1936. No. 150.

The Ministry of Finance (hereinafter referred to as "the Ministry") in pursuance of the powers conferred on it by section 2 of the Superannuation Act (Northern Ireland), 1935, and by section 2 of the Superannuation Act, 1935, passed by the Parliament of the United Kingdom, as applied to existing Irish Officers within the meaning of the Government of Ireland Act, 1920 (hereinafter referred to as "existing Irish Officers") by the Superannuation Act (Application to Northern Ireland Officers) Order, 1936, and of all other powers enabling it in that behalf, hereby makes the following rules:—

1. These Rules may be cited as the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1936.
2. The Interpretation Act, 1921, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.
3. In these Rules, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them:—

"The Act" means the Superannuation Act (Northern Ireland), 1935, or, where it occurs in relation to existing Irish Officers, the Superannuation Act, 1935, passed by the Parliament of the United Kingdom as applied by the Superannuation Act (Application to Northern Ireland Officers) Order, 1936.

"Superannuation Acts" means the Superannuation Acts (Northern Ireland), 1921 to 1935, or, in relation to existing Irish Officers, the Superannuation Acts, 1834 to 1935, passed by the Parliament of the United Kingdom.

“ Pension ” means an annual pension and, in relation to a retiring officer, means an annual superannuation, compensation or retiring allowance under the Superannuation Acts.

“ Civil Service ” means the Civil Service of Northern Ireland.

“ Commissioners ” means the Civil Service Commissioners for Northern Ireland.

“ Make an allocation ” means surrender a part of a pension under these Rules.

“ Beneficiary ” means the person in whose favour an allocation is to be made.

“ Option Tables ” means the tables prepared by the Ministry under section 2 of the Act.

“ Closing date ” means the date of the retirement of the retiring officer (that is to say, the day preceding the first day in respect of which his pension is payable) or, in the case of any officer who was supplied by the Department in which he is or was last serving (hereinafter referred to as “ the Department ”) with a copy of these Rules less than three calendar months before the date of his retirement, the last day of the period of three calendar months from the date on which he was supplied with a copy of these Rules.

“ Lodged with the Department ” means lodged with such Officer of the Department as the Department may direct.

4. The persons who, subject to the provisions of the Act and these Rules, shall be allowed to make an allocation are persons—

- (a) who, being civil servants, retire or have retired from the Civil Service, otherwise than on the ground of ill-health, on or after the 17th day of December, 1935 ; or
- (b) who, having served in the Civil Service after the 17th day of December, 1935, retire from some other employment, otherwise than on the ground of ill-health, in such circumstances as to qualify them for the grant of superannuation allowance in respect of their service in the Civil Service.

5.—(1) A pension granted under the Act and these Rules for the benefit of a spouse may, at the option of the retiring officer, be payable either—

- (a) in respect of the period, if any, for which the spouse survives the retiring officer (hereafter to be known as Option A) ; or
- (b) in respect both of the period of their joint lives subsequent to the retirement of the retiring officer and of the period, if any, for which the spouse survives the retiring officer ; and the rate of pension payable to the spouse during the latter period shall be twice the rate payable to the spouse during the former period (hereafter to be known as Option B).

(2) A pension granted under the Act and these Rules for the benefit of a dependant (other than a spouse) shall be payable in respect of the period, if any, for which the dependant survives the retiring officer.

6. The amount of pension payable in return for each £1 of the retiring officer's pension surrendered by him shall be the amount, according to the age and sex of the retiring officer and the age and sex of the beneficiary, shown in the appropriate Option Table in force at the date of the retirement of the retiring Officer.

7. The pension of the beneficiary shall be payable in arrear in the same manner as the pension of the retiring officer is or would have been payable.

8. A retiring officer shall not surrender—

- (a) more than one-third of his pension ; or
- (b) so much of it as would make the amount of pension (as reduced by the amount surrendered) payable to him less than the amount of pension payable to the beneficiary after the retiring officer's death ; or
- (c) a smaller amount of his pension than would secure for the beneficiary after the death of the retiring officer a pension equal to one-fourth of the amount of the pension (as reduced by the amount surrendered) payable to the retiring officer ; or
- (d) an amount of his pension which is not an exact number of pounds.

9.—(1) Every officer referred to in paragraph (a) of rule 4 who upon retirement will be eligible to make an allocation shall be notified by the Department of the date, or probable date, of his retirement, and shall at the same time be supplied with a copy of these Rules and of the Option Tables for the time being in force.

(2) Where possible, in cases of retirement on the ground of age, such notification shall be given at least six calendar months before the date, or probable date, of retirement.

(3) Where, in any case after such notification, as aforesaid, the date, or probable date, of retirement is altered, the officer shall be notified by the Department of the alteration in the date of his retirement as soon as possible after the altered date has been determined.

10. For the purposes of enabling an officer who, upon retirement, will be eligible to make an allocation to consider the question of making an allocation, the Department shall, if so requested by the officer after the receipt by him of a notification of the date, or probable date, of his retirement in accordance with rule 9, inform him as soon as practicable, of the provisional estimate made

by the Ministry or, in the case of an existing Irish Officer, by the Civil Service Committee for Northern Ireland of the amount of his pension and additional allowance (if any) and of any alteration in that estimate, if any such alteration be subsequently made.

11. Every officer who, upon retirement, will be eligible to make an allocation shall, if he desires to make such an allocation, notify the Department to that effect and shall furnish to the Department in the form A.P.1 set out in the Schedule to these rules the particulars required thereby in respect of the beneficiary. The beneficiary shall write his signature in the appointed space on the form.

12.—(1) Upon receipt of the particulars required to be furnished by rule 11, the Department shall require the officer concerned to furnish at his own expense—

(a) a certified copy of his birth certificate, except where the date of his birth is recorded in his Civil Service Certificate and is not disputed ; and

(b) with respect to the beneficiary, a birth certificate, a marriage certificate (in the case of a woman who has been married) and any other information or evidence which the Department may consider necessary.

(2) If for any reason a birth or marriage certificate cannot be supplied, the Department may, with the consent of the Ministry, accept such other evidence of birth or marriage as it may think fit.

13.—(1) On receipt from an officer of notification, in accordance with rule 11, of his desire to make an allocation and of the form referred to in that rule duly completed, the Department shall send to the Commissioners the sick leave record of that officer and shall request the Commissioners to report whether, in their opinion, the officer is of good health, regard being had to his age.

(2) For the purposes of making their report, the Commissioners shall, not earlier than three calendar months before the date, or probable date, of his retirement (notified to the officer in accordance with rule 9) arrange for that officer to be medically examined by a physician nominated by the Commissioners.

(3) If, as a result of that examination, the Commissioners are not satisfied that the officer is of good health, they shall notify him accordingly and shall offer him an opportunity of a further examination by their Medical Referee.

(4) The fee payable to any physician or Medical Referee in respect of any medical examination shall be paid by the officer at the time of the examination.

14.—(1) The decision of the Commissioners upon the question whether an officer is of good health shall be final and conclusive.

(2) The physician, and in the case of a further examination, the medical referee, shall make his report direct to the Commissioners, and neither the contents of any such reports nor the reasons for the Commissioners' decision shall be disclosed to the officer who has been examined.

15. If, in any case in which the Commissioners report that in their opinion an officer is of good health, the date of retirement of such officer is postponed to a date more than three calendar months after the date of the Commissioners' report, the Ministry may, if it thinks fit, require the officer to undergo such further medical examination as it may direct, but in that event the officer shall not be required to pay any fees in respect of such further medical examination.

16. If the Commissioners report to the Department that in their opinion an officer is of good health and the Department is satisfied with the evidence and particulars furnished to it by the officer in accordance with rule 12, the Department shall request the officer to arrange for the beneficiary to write his usual signature in duplicate in the presence of such officer of the Department, or such other person, as the Department may nominate, and, in deciding whom to nominate for that purpose, the Department shall, so far as possible, have regard to the convenience of the beneficiary.

17. If the Department has no reason to doubt that the person who has written his signature as required by rule 16 is the person named as the beneficiary in the particulars required to be furnished by rule 11, the Department shall notify the officer concerned that he may make an allocation declaration.

18.—(1) Every allocation declaration shall be made in the form A.P. 2 set out in the Schedule to these Rules, and shall be lodged with the Department before midnight of the closing date.

(2) An allocation declaration which is not lodged with the Department before midnight of the closing date, or which does not comply with these Rules, shall be invalid.

19. As soon as possible after the receipt of an allocation declaration the Department shall inform the officer concerned whether such declaration is valid or invalid, and shall in the former case furnish him with a statement or estimate of the pensions that will be payable to himself and to the beneficiary and in the latter case state the grounds upon which the declaration has been held to be invalid.

20.—(1) An officer may cancel or amend his allocation declaration by notice in writing lodged with the Department in the form A.P. 3 set out in the Schedule to these Rules at any time before midnight on the day of his retirement, but, save as is provided in rule 21, no cancellation or amendment of an allocation declaration shall be permitted after that day.

(2) Save as is provided in rule 21, an allocation declaration which is lodged with the Department after the day of the retirement of the retiring officer may not be cancelled or amended.

21. Where an officer who, in accordance with rule 10, has been informed of the provisional estimate of the amount of his pension and additional allowance (if any) is subsequently notified by the Department of an alteration in the amount, or the estimated amount, of his pension less than fourteen days before the closing date, or after the closing date, but within six months after the date of his retirement, that officer may, if he has already made a valid allocation declaration, amend that declaration by notice in writing in the form A.P. 3 lodged with the Department before midnight of the fourteenth day after the receipt of such notification.

Provided that no notice of an amendment of an allocation declaration may be lodged with the Department after the closing date—

- (1) except for the purpose of increasing or decreasing the amount of the pension to be surrendered by an amount not exceeding the increase or decrease (to the nearest pound) of the amount, or the estimated amount, of pension previously notified to such officer in accordance with rule 10 ; or
- (ii) in any case, in respect of any alteration of the amount, or the estimated amount, of pension resulting from a decision affecting all, or a particular category of, Civil Service pensioners.

22. An amendment of an allocation declaration shall not be valid if the allocation declaration as so amended does not comply with these Rules.

23. If any notice, declaration or other document is sent through the post, it shall not be deemed to be lodged with the Department within the time prescribed by these Rules unless it is posted at a time which will normally ensure its due delivery within the time so prescribed.

24. Where an officer has been informed, in pursuance of rule 19, that an allocation declaration made by him is valid, that declaration shall remain valid, unless cancelled or amended by him in the manner and within the period permitted by these Rules, notwithstanding that, as the result of a subsequent alteration of the amount, or estimated amount, of his pension, the amount of pension to be surrendered no longer complies with rule 8.

25.—(1) An allocation declaration shall become null and void if either the retiring officer or the beneficiary dies before midnight on the day of the retirement of the retiring officer or before midnight on the day on which the allocation declaration is lodged with the Department, whichever day is the later.

(2) Subject to the preceding sub-paragraph of this rule, an allocation declaration shall have effect as from the first day in respect of which the retiring officer's pension is payable.

(3) Where, as the result of effect being given to an allocation declaration which is lodged with the Department after the date of the retirement of a retiring officer, any over-payment of pension has been made to the retiring officer or a beneficiary, such over-payment shall be brought into account on the next payment or payments of pension to the person concerned.

26. When a person, having served in the Civil Service is transferred after 17th December, 1935, to some other employment, and will, if he retires from that employment in certain circumstances, be qualified for a superannuation allowance under the Superannuation Acts in respect of his service in the Civil Service, the Department in which he was serving immediately before his transfer shall, upon such transfer, and also, if requested so to do, at any time within six months before his retirement from his other employment, supply him with a copy of these Rules and the Option Tables in force; and, for the purpose of the application of these Rules to that person, that Department shall be deemed to be the Department and the day preceding the first day in respect of which a superannuation allowance under the Superannuation Acts becomes payable to that person shall be or be deemed to be the date of his retirement and shall be treated as the closing date.

Given under the Official Seal of the Ministry of Finance  
for Northern Ireland this fourteenth day of November  
in the year One thousand nine hundred and thirty-six.

(L.S.)

*G. C. Duggan,*  
Assistant Secretary.

SCHEDULE.

FORM A.P.1.

NOTIFICATION OF THE DESIRE TO MAKE AN ALLOCATION UNDER THE SUPERANNUATION (ALLOCATION OF PENSION) RULES (NORTHERN IRELAND), 1936.

*Particulars with regard to the Officer.*

- 1. Name in full .. .. .
- (SURNAME IN BLOCK CAPITALS).
- 2. Date of birth .. .. .
- 3. Department .. .. .
- 4. Rank .. .. .

*Particulars with regard to the Beneficiary.*

- 5. Surname .. .. .
- (IN BLOCK CAPITALS).
- 6. Christian Names .. .. .
- (IN BLOCK CAPITALS).
- 7. Usual address .. .. .
- 8. Date of birth .. .. .
- 9. Sex .. .. .
- 10. If the beneficiary is a female, has she been married? .. .. .
- If so, state:—
- (a) her maiden name; and .. .. .
- (b) whether she has been married more than once .. .. .
- 11. Is the beneficiary a relation of the officer? .. .. .
- If so, state what relation .. .. .
- 12. If the beneficiary is a person other than the wife or husband, as the case may be, of the officer, is the beneficiary wholly dependent upon the officer for support, or only partially dependent? .. .. .
- If only partially dependent, state:—
- (a) the amount per annum, on the average contributed by the officer to the support of the beneficiary; .. .. .
- (b) whether the officer contributes to the support of the beneficiary regularly, or only occasionally .. .. .
- and
- (c) the annual income of the beneficiary from other sources .. .. .
- 13 The beneficiary should write his or her usual signature in the space below, and in the presence of the officer.

Usual signature of beneficiary.....

I desire to make an allocation under the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1936, and I declare that the foregoing particulars are true to the best of my knowledge and belief and that the above signature has been written in my presence by the beneficiary.

Signature,.....

Private address.....

Date,.....



FORM A.P.2.

ALLOCATION DECLARATION UNDER THE SUPERANNUATION (ALLOCATION OF PENSION) RULES (NORTHERN IRELAND), 1936. Name in full.

I, ..... hereby declare that I desire to surrender ..... of my pension under the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1936, in return for the grant of a pension payable in accordance with Option....., the beneficiary named by me on Form A.P.1. Name in full.

Signature,.....

Date,.....

Department.....

Rank, .....

FORM A.P.3.

NOTICE OF CANCELLATION OR AMENDMENT OF AN ALLOCATION DECLARATION UNDER THE SUPERANNUATION (ALLOCATION OF PENSION) RULES (NORTHERN IRELAND), 1936.

Notice of Cancellation.

Name in full.

I, ..... hereby cancel the allocation declaration made by me under the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1936.

Signature,.....

Date,.....

Department, .....

Rank, .....

Notice of Amendment.

Name in full.

I, ..... hereby amend the allocation declaration made by me under the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1936, by substituting:—

Complete (a) or (b) whichever is appropriate; or (a) and (b) if both are appropriate.

(a) £..... for £..... as the amount of my pension which I desire to surrender.

(b) Option..... for Option..... as the Option in accordance with which a pension is to be payable to the beneficiary.

Signature,.....

Date,.....

Department,.....

Rank, .....