

Bangor

ORDER, DATED 26TH FEBRUARY, 1951, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SUB-SECTION (1) OF SECTION TEN OF THE SUMMARY JURISDICTION AND CRIMINAL JUSTICE ACT (NORTHERN IRELAND), 1935.

1951. No. 33

WHEREAS by Order dated the 2nd day of August, 1950, the Ministry of Home Affairs, in exercise of the powers conferred upon it by sub-section (1) of section ten of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, temporarily abolished the Petty Sessions District of Bangor and made consequential arrangements for the holding in the Newtownards District of an additional sitting of Petty Sessions to hear such cases as would otherwise have been dealt with in the said abolished District :

AND WHEREAS it has been found possible to fix a convenient place within the District of Bangor at which Petty Sessions shall be held for that District :

NOW, THEREFORE, the said Ministry of Home Affairs, in pursuance of the powers conferred upon it by the said sub-section, hereby orders and directs that as and from the fifteenth day of March, 1951, the said Order of the 2nd day of August, 1950, shall be revoked and, accordingly, sittings of the Petty Sessions shall be resumed in the said District of Bangor as from the said date as though the Order hereby revoked had not been made.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 26th day of February, Nineteen Hundred and Fifty-one, in presence of

(L.S.)

(Sgd.) *J. B. O'Neill,*

Assistant Secretary.

SUPERANNUATION

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Allocation of Pension

THE SUPERANNUATION (ALLOCATION OF PENSION) RULES (NORTHERN IRELAND), 1951, DATED 20TH JANUARY, 1951.

1951. No. 7

The Ministry of Finance (hereinafter referred to as "the Ministry") in pursuance of the powers conferred upon it by section 33 of

the Superannuation Act (Northern Ireland), 1949 (a) and by section 33 of the Superannuation Act, 1949 (b) passed by the Parliament of the United Kingdom, as applied to existing Irish Officers within the meaning of the Government of Ireland Act, 1920 (c), (hereinafter referred to as "existing Irish Officers") by the Superannuation Act (Application to Existing Irish Officers) Order, 1949 (d) 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), 1951, and shall come into force on the 1st February, 1951.

2. The Interpretation Act, 1889 (e), as applied to Northern Ireland by the Interpretation Act, 1921 (f) 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 Act" means the Superannuation Act (Northern Ireland), 1949 or where it occurs in relation to existing Irish Officers, the Superannuation Act, 1949 passed by the Parliament of the United Kingdom as applied by the Superannuation Act (Application to Existing Irish Officers) Order, 1949 ;

"Superannuation Acts" means the Superannuation Acts (Northern Ireland), 1921 to 1949, or in relation to existing Irish Officers, the Superannuation Acts, 1834 to 1949, passed by the Parliament of the United Kingdom ;

"pension" means an annual pension and

(a) in relation to a retired civil servant, means an annual superannuation, compensation or retiring allowance under the Superannuation Acts ; and

(b) in relation to an existing Irish Officer, means an annual compensation allowance under the Eighth Schedule to the Government of Ireland Act, 1920.

"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 spouse in whose favour an allocation is to be made ;

"Option Tables" means the tables prepared by the Ministry under section 33 of the Act and for the time being in force ;

"closing date" means :—

(a) 1949 c.13. (b) 12, 13 & 14 Geo. 6 c.44. (c) 10 & 11 Geo. 5 c.67.
 (d) S. I. 1949 No. 1835. (e) 52 & 53 Vict. c.63. (f) 12 Geo. 5 c.4 (N.I.).

- (a) in the case of a retired civil servant who, at the date of the making of these Rules, is eligible to make an allocation, the last day of the period of six months from the date on which he was notified by the Ministry of the making of these Rules or the last day of the period of three months from the date on which he was supplied with a copy of these Rules, whichever is the earlier ; and
- (b) in the case of a retired civil servant who, after the date of the making of these Rules, becomes eligible to make an allocation, the last day of the period of three months from the date of his marriage ; provided that where the Ministry appoints a special closing date, either on the ground that, as a result of exceptional circumstances beyond the control of a person eligible to make an allocation, it is not, or was not, practicable for that person to carry through before the relevant date the steps necessary to enable him to make an allocation, or on any other ground mentioned in these Rules, then the expression " closing date " shall mean the date so appointed by the Ministry ;

" lodged with the Department " means lodged with such Officer of the Department in which he was serving at the date of his retirement 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 who :—

- (a) having been civil servants, have retired from the service, otherwise than on the ground of ill-health ; and
- (b) have married since retirement and are under seventy years of age at the date of notification in accordance with Rule 10 hereof.

5. A pension granted under the Act and these Rules for the benefit of a spouse may, at the option of the retired civil servant, be payable either —

- (a) in respect of the period, if any, for which the spouse survives the retired civil servant (hereafter to be known as Option A) ; or
- (b) in respect both of the period of their joint lives subsequent to the surrender under the Act and these Rules of part of the retired civil servant's pension and of the period, if any, for which the spouse survives the retired civil servant ; 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).

6. The amount of pension payable in return for each £1 of the retired civil servant's pension surrendered by him shall be the amount,

according to the age and sex of the retired civil servant and the age and sex of the beneficiary, shown in the appropriate Option Table in force at the date of the marriage of the retired civil servant, or, if the marriage took place before the date of the making of these Rules, the appropriate Option Table in force at the date of the making of these Rules.

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

8.—(1) A retired civil servant shall not surrender —

- (a) a greater part of his pension than would, either alone or together with any part of his pension of which a surrender by him has been allowed under section 2 of the Superannuation Act, (Northern Ireland) 1935 (a), and has not been cancelled under subsection 2 of section 30 of the Act, amount to 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 retired civil servant's death ; or
- (c) a smaller amount of his pension than would secure for the beneficiary after the death of the retired civil servant a pension equal to one-fourth of the amount of the pension (as reduced by the amount surrendered) payable to the retired civil servant ; or
- (d) an amount of his pension which is not an exact number of pounds.

(2) Where a retired civil servant has declared a desire to surrender such part of his pension as would alone or together with any part of his pension already surrendered under section 2 of the Superannuation Act (Northern Ireland), 1935, exceed one-third of his pension, then the Ministry may make an award as if he had declared a desire to surrender the maximum amount which he is allowed to surrender hereunder.

9.—(1) Every retired civil servant who is in receipt of a pension and under seventy years of age at the date of the making of these Rules and who retired before the date of the making of these Rules, shall be notified by the Ministry of the making of these Rules as soon as possible thereafter, and upon request, shall be supplied with a copy of these Rules and of the Option Tables for the time being in force ;

(2) Every civil servant who retires from the Civil Service, otherwise than on the ground of ill-health, shall be notified by the

(a) 1935 c.2.

Department in which he is serving of the existence of these Rules at the same time as the Department notifies him of the date, or probable date, of his retirement under Rule 9 (1) of the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1936 (a), and, upon request, he shall be supplied with a copy of these Rules and of the Option Tables for the time being in force.

10. Every retired civil servant who is or becomes eligible to make an allocation shall, if he desires to make such an allocation, notify the Department in which he was serving at the date of his retirement (hereinafter referred to as "the Department") to that effect and shall furnish to the Department in the form A.P.4 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, unless the Ministry dispenses with his signature in accordance with paragraph (2) of Rule 14.

11.—(1) Upon receipt of the particulars required to be furnished by Rule 10, the Department shall require the retired civil servant 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 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.

12.—(1) On receipt from a retired civil servant of notification, in accordance with Rule 10 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 the retired civil servant and shall request the Commissioners to report whether, in their opinion, he is of good health, regard being had to his age.

(2) For the purposes of making their report, the Commissioners shall forthwith arrange for the retired civil servant to be medically examined by a physician nominated by the Commissioners.

(3) If, on considering the result of that examination in conjunction with the retired civil servant's sick leave record, the Commissioners are not satisfied that the retired civil servant is of good health, they shall notify him accordingly and shall offer him an opportunity of a further examination by their medical referee.

(a) S. R. & O. 1936 No. 150.

(4) The fee payable to any physician or medical referee in respect of any medical examination under paragraphs (2) or (3) of this Rule shall be paid by the retired civil servant at the time of the examination.

(5) When, on considering the result of the medical examinations provided for under paragraphs (2) and (3) of this Rule in conjunction with the retired civil servant's sick leave record, the Commissioners are not satisfied that the retired civil servant is of good health, but it appears to the Commissioners that the disability from which he is suffering may be temporary and that there is a good prospect that he would be shown to be in good health if examined again after a short interval, then the Ministry may, at the request of the Commissioners, appoint a special closing date in order that a further medical examination may be arranged accordingly at a later date. Any fee required for such further medical examination shall be paid by the Ministry.

(6) If, as a result of an examination by a medical referee made in accordance with paragraph (3) of this Rule, the Commissioners are of opinion that there is doubt whether the retired civil servant is of good health, they may offer him an opportunity to be examined by a Medical Board of three members appointed by them.

(7) Where an examination takes place in accordance with the foregoing paragraph of this Rule no fee in respect thereof shall be payable by the retired civil servant and the Ministry may appoint a special closing date for the purposes of these Rules.

(8) If, after the Commissioners have decided, as a result of an examination by a medical referee made in accordance with paragraph (3) of this Rule, that the retired civil servant is not of good health, the retired civil servant produces to them a report, containing a contrary opinion, made by a physician or surgeon of consultant standing who had before him at the time he made the report a full statement of the retired civil servant's sick leave record the Commissioners may offer the retired civil servant an opportunity to be examined by a Medical Board constituted as provided in paragraph (6) of this Rule and for the purpose of enabling such examination to take place the Ministry may appoint a special closing date for the purposes of these Rules.

(9) When the retired civil servant elects to be examined by a Medical Board in accordance with the foregoing paragraph of this Rule he shall, prior to such examination, pay to the Ministry in respect thereof a fee of £3 3s. 0d. (or such amount as may be prescribed by the Ministry but not exceeding £3 3s. 0d.). Any such fee paid by the retired civil servant shall be repaid to him if, as a result of the examination by the Medical Board, the Commissioners decide that he is of good health.

13.—(1) The decision of the Commissioners upon the question whether a retired civil servant is of good health shall be final and conclusive.

(2) The physician and, in the case of further examinations the medical referee and the Medical Board, shall make their reports direct to the Commissioners, and neither the contents of any such reports nor the reasons for the Commissioners' decision shall be disclosed to the retired civil servant who has been examined.

14.—(1) If the Commissioners report to the Department that in their opinion a retired civil servant is of good health and the Department is satisfied with the evidence and particulars furnished to it by the retired civil servant in accordance with Rule 10 the Department shall request the retired civil servant 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.

(2) Where it is shown to the satisfaction of the Ministry that by reason of the beneficiary's inability through infirmity or other sufficient cause, he is unable to write his signature as required by this Rule and by Rule 10, the Ministry may, if it thinks fit, dispense with the beneficiary's signature, subject to such conditions as it may deem desirable.

15. If the Department has no reason to doubt that the person who has written his signature as required by Rule 14 is the person named as the beneficiary in the particulars required to be furnished by Rule 10, the Department shall notify the retired civil servant concerned that he may make an allocation declaration.

16.—(1) Every allocation declaration shall be made in the form A.P.5 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.

17. As soon as possible after the receipt of an allocation declaration the Department shall inform the retired civil servant concerned whether such declaration is valid or invalid, and shall in the former case furnish him with a statement 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.

18. 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.

19. Where a retired civil servant has been informed, in pursuance of Rule 17 that an allocation declaration made by him is valid, that declaration shall remain valid, notwithstanding that, as the result of a subsequent alteration of the amount of his pension, the amount of pension to be surrendered no longer complies with Rule 8.

20.—(1) An allocation declaration shall become null and void if either the retired civil servant or the beneficiary dies before midnight on the day on which the allocation declaration is lodged with the Department.

(2) Subject to the preceding paragraph of this Rule, an allocation declaration shall have effect —

- (a) in the case of a retired civil servant whose marriage takes place on or after the date of the making of these Rules, as from the date of the marriage ; and
- (b) in the case of a retired civil servant whose marriage took place before the date of the making of these Rules, as from the date on which the retired civil servant notified in accordance with Rule 10 his desire to make an allocation.

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

21. Where a person eligible to make an allocation is resident outside the United Kingdom, the Ministry may appoint a special closing date for the purposes of these Rules, where, owing to circumstances beyond his control and arising out of his residence abroad, it is satisfied that the person concerned will not have a reasonable opportunity of carrying through in due time all the steps necessary to enable him to make an allocation.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland, this 20th day of January, 1951, in the presence of

(L.S.)

Thos. Etwood,

Assistant Secretary.

SCHEDULE

Form A.P.4

NOTIFICATION OF THE DESIRE TO MAKE AN ALLOCATION UNDER THE SUPERANNUATION (ALLOCATION OF PENSION) RULES (NORTHERN IRELAND), 1951

Particulars with regard to the retired Civil Servant

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

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. Date of marriage
- 10. Relationship to the retired Civil Servant
- 11. The beneficiary should write his usual signature in the space below, and in the presence of the retired Civil Servant

.....
Usual signature of beneficiary.....
.....

I desire to make an allocation under the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1951, 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.....

ALLOCATION DECLARATION UNDER THE SUPERANNUATION
(ALLOCATION OF PENSION) RULES (NORTHERN IRELAND), 1951

I,hereby declare that
NAME IN FULL
I desire to surrender.....of my pension under the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1951 in return for the grant of a pension payable in accordance with Option.....to
..... the
NAME IN FULL
Beneficiary named by me on Form A.P.4.

Signature

Date

Department from which retired.....

Rank on retirement

Joint Service

REGULATIONS, DATED 23RD APRIL, 1951, MADE BY THE MINISTRY OF FINANCE FOR NORTHERN IRELAND UNDER SECTION THREE OF THE SUPERANNUATION ACT (NORTHERN IRELAND), 1925, AS AMENDED BY SECTION THREE OF THE TEACHERS' SUPERANNUATION ACT (NORTHERN IRELAND), 1936, AND SECTIONS TWENTY FOUR AND FORTY OF THE TEACHERS (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

1951. No. 69

The Ministry of Finance (in these Regulations referred to as "the Ministry") in pursuance of the powers conferred upon it by sub-section (2) of section three of the Superannuation Act (Northern Ireland), 1925 (a), hereby makes the following regulations:—

1.—(1) These Regulations may be cited as the Superannuation (Joint Service) (Amendment) Regulations (Northern Ireland), 1951, and shall come into operation on 1st May, 1951.

(2) The Interpretation Act, 1889 (b), shall apply for the purposes of the interpretation of these regulations in like manner as it applies by virtue of the Interpretation Act, 1921 (c), for the purposes of the interpretation of an Act of the Parliament of Northern Ireland.

2. The Superannuation (Joint Service) Regulations (Northern Ireland), 1937 (d) (in these Regulations referred to as "the principal

(a) 15-6 Geo. 5 c.28. (b) 52 & 53 Vict. c.63. (c) 12 Geo. 5 c.4 (N.I.)
(d) S. R. & O. 1937, No. 8.