

Treasury Warrant, dated 21st August, 1907, made under section 1 of the Superannuation Act, 1887. S.R. & O. 1907 (No. 658), p.863.

Treasury Warrant, dated 17th January, 1919, made under section 1 of the Superannuation Act, 1887. S.R. & O. 1919 (No. 106) II, p.228.

Ministry of Finance Warrant, dated 4th November, 1925, made under section 1 of the Superannuation Act, 1887, as applied to the civil service of Northern Ireland by section 1 of the Superannuation Act, 1921. S.R. & O. 1925 (No. 103), p.316.

Ministry of Finance Warrant, dated 18th May, 1927, made under section 1 of the Superannuation Act, 1887, as applied to the civil service of Northern Ireland by section 1 of the Superannuation Act, 1921. S.R. & O. 1927 (No. 58), p.235.

The Injury Warrant, No. 1 (N.I.), 1942. S.R. & O. 1942 (No. 181), p.193.

The Injury Warrant, No. 2 (N.I.), 1942. S.R. & O. 1942 (No. 182), p.200.

The Injury Warrant (N.I.), 1947. S.R. & O. 1947 (No. 6), p.416.

### **Interchange between the National Health Service in Great Britain and the Civil Service of Northern Ireland**

RULES DATED 31ST DECEMBER, 1953, MADE BY THE MINISTRY OF FINANCE JOINTLY WITH THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS FIVE AND TEN OF THE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND), 1951, AND BY THE MINISTRY OF FINANCE UNDER SECTIONS SIX AND TEN OF THE SAID ACT.

1953. No. 168

WHEREAS it is provided by section five of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1951 (a) (which relates to the making of rules by the Ministry of Finance and the appropriate Ministry acting jointly for the reckoning of periods of service in specified employments for the purposes of the Superannuation Acts) that the Governor of Northern Ireland may by Order in Council designate a class of employment as pensionable employment and may specify the appropriate Ministry in relation to such employment for the purposes of that section :

AND WHEREAS the Governor of Northern Ireland has by Order in Council, entitled the Superannuation (Designated Employment) Order (Northern Ireland), 1953, made on the 23rd February, 1953 (b), designated employment which is pensionable by virtue of sub-section (1) of section sixty-seven of the National Health Service Act, 1946 (c), or sub-section (1) of section sixty-six of the National Health Service (Scotland) Act, 1947 (d), as pensionable employment and has specified the Ministry of Health and Local Government as the appropriate Ministry in relation to such employment for the purposes of the said section five :

NOW, THEREFORE, the Ministry of Finance and the Ministry of Health and Local Government acting jointly in exercise of the powers conferred upon them by sections five and ten of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1951, hereby make the rules contained in Parts I and II hereof and the Ministry of

(a) 1951 c. 28. (b) S. R. & O. (N.I.) 1953, No. 27. (c) 9 & 10 Geo. 6. c.81.  
(d) 10 & 11 Geo. 6 c.27.

Finance in exercise of the powers conferred on it by sections six and ten of the aforesaid Act hereby makes the rules contained in Parts I and III hereof.

## PART I

### *General*

1.—(1) These rules may be cited as the Superannuation (National Health Service in Great Britain and Civil Service of Northern Ireland) Interchange Rules (Northern Ireland), 1953, and shall come into force on the 11th day of January, 1954.

(2) The Interpretation Act, 1889 (a), shall apply for the purposes of the interpretation of these rules in like manner as it applies for the purposes of the interpretation of an Act of the Parliament of Northern Ireland.

2.—(1) In these rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them —

“ the Act ” means the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1951 ;

“ the Act of 1937 ” means in relation to England and Wales the Local Government Superannuation Act 1937 (b), and in relation to Scotland the Local Government Superannuation (Scotland) Act, 1937 (c) ;

“ the Act of 1946 ” means the National Health Service Act, 1946 ;

“ the Act of 1947 ” means the National Health Service (Scotland) Act, 1947 ;

“ civil servant ” means a person serving in an established capacity in the permanent civil service of Northern Ireland ;

“ contributing service ” means service which is reckonable as contributing service under any regulations made by virtue of sub-section (1) of section sixty-seven of the Act of 1946 or sub-section (1) of section sixty-six of the Act of 1947 ;

“ the Minister ” means the Minister of Health ;

“ national service ” in relation to any person, means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, (d) and includes any period immediately following the termination thereof during which the person, with the consent of the authority or body by whom he was employed before undertaking such service, continues in similar service ;

“ non-contributing service ” means service which is reckonable as non-contributing service under any regulations made by virtue of

(a) 52 & 53 Vict. c.63. (b) 1 Edw. 8 & 1 Geo. 6 c.68. (c) 1 Edw. 8 & 1 Geo. 6. c.69. (d) 14 & 15 Geo. 6 c.65.

sub-section (1) of section sixty-seven of the Act of 1946 or sub-section (1) of section sixty-six of the Act of 1947 ;

“ pensionable employee ” means a person employed in employment in Great Britain which is pensionable by virtue of sub-section (1) of section sixty-seven of the Act of 1946, or sub-section (1) of section sixty-six of the Act of 1947 ;

“ pension ” has the meaning assigned to it by the Act ;

“ 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 ;

“ transfer value ” has the same meaning as “ accrued superannuation value ” as that expression is defined in the Act ;

(2) Any reference in these rules to the provisions of any enactment, rules, or regulations, shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment, rules or regulations, including these rules.

## PART II

### *Provisions relating to officers transferring from the National Health Service in Great Britain to the Civil Service*

3.—(1) Where a person either —

(a) becomes a civil servant within twelve months after ceasing to be a pensionable employee, or

(b) having left his employment as a pensionable employee on becoming engaged in national service becomes a civil servant within six months after the termination of that service

and has not become entitled to a pension other than a return of contributions in respect of his previous employment then, if the Ministry of Finance receives from the Minister or as regards Scotland from the Secretary of State a transfer value calculated in accordance with a method approved by the said Ministry less an amount equal to any sum which may become payable by way of income tax in respect of the amount transferred by way of transfer value in respect of the service which the person was entitled to reckon for superannuation benefits immediately before he ceased to be a pensionable employee, that service shall, subject to and in accordance with the conditions in this part of these rules, be reckoned for the purposes of the Superannuation Acts as if it had been service as a civil servant :

Provided that such person within three months after the date on which he becomes a civil servant or within six months after the coming into operation of these rules, whichever period last expires, notifies the Department in which he is then employed, or, if he has ceased to be employed as a civil servant, the Department in which he was last employed that he desires these rules to apply to him and furnishes such

Department with particulars of his previous pensionable employment and national service (if any).

(2) This part of these rules shall apply to any such person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be either a pensionable employee or became a civil servant before the passing of the Act or the coming into operation of these rules, provided that —

- (a) if he has ceased to be employed as a civil servant before the coming into operation of these rules, the Ministry of Finance consents ; and
- (b) he became a civil servant not earlier than the 1st day of April, 1950 ; and
- (c) the authority by whom he was employed as a pensionable employee immediately before he became a civil servant consents.

(3) In this part of these rules a person to whom this part of these rules applies is referred to as " the officer ".

4.—(1) Where part of the officer's service is reckonable at the time he ceased to be a pensionable employee as non-contributing service that part shall as to one half of the period thereof be reckoned for purposes of the Superannuation Acts as if it had been service as a civil servant :

Provided that for the purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him such part of his service as aforesaid shall be reckoned, as to the whole period thereof, as if it had been service as a civil servant.

(2) Where the officer was in his pensionable employment a part-time employee and held no other pensionable employment, the period of his service as such part-time employee shall be treated for the purposes of these rules as if it had been whole-time service for a proportionately reduced period.

Provided that for the purpose of determining whether the officer has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him, such part-time service as aforesaid shall be reckoned, as to the whole period thereof, as if it had been service as a civil servant.

5. Where an officer before he became a pensionable employee was in employment which, under the superannuation regulations applicable to him as a pensionable employee, is reckonable as service for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating any benefit to which he may become entitled, the period of that employment which would have been so reckonable had he continued to be a pensionable

employee shall be reckoned in the same manner and to the same extent for the purposes of the Superannuation Acts.

6. Where the officer was in the course of making, but had not completed making additional contributory payments under the superannuation regulations applicable to him as a pensionable employee as a condition of being entitled to reckon as contributing service any period of non-contributing service, then that service shall be reckonable as non-contributing service only, unless the officer pays to the Ministry of Finance sums equal to the additional contributory payments which he would have been liable to make had he continued to be a pensionable employee at the time at which and in the manner in which those additional payments would have been made under the said superannuation regulations :

Provided that any period of service which would not, apart from the making of such additional contributory payments, have been reckonable as non-contributing service shall not be reckonable as service for the purposes of these rules unless the officer completes the making of such additional contributory payments as aforesaid.

7. Where the officer had before becoming a civil servant been engaged in national service, the period of service which becomes reckonable for the purposes of the Superannuation Acts shall be treated as being increased by the period of such national service to the extent (if any) to which the said period of national service would have been reckonable for the purposes of the superannuation regulations to which he was subject as a pensionable employee had he again become a pensionable employee on the termination of such national service :

Provided that this rule shall not apply in any case in which a period of national service would have been so reckonable as aforesaid unless the transfer value received under rule 3 of these rules was calculated so as to include the liability of which the Minister or the Secretary of State was relieved in respect of the said period of national service.

8. Where, under any provisions of the superannuation regulations applicable to the officer as a pensionable employee, any service would, for the purposes of calculating any benefit to which he might have become entitled on ceasing to be employed, have been treated as being eight-fifths of the actual length thereof, then, notwithstanding that he has not become entitled to that benefit, that service shall be so treated in the computation for the purposes of these rules of the period of the service which the officer was entitled to reckon immediately before he ceased to be a pensionable employee :

Provided that this rule shall not apply unless the transfer value receivable under rule 3 of these rules is appropriately increased in consequence of the application of any such provisions of the superannuation regulations as are mentioned in this rule.

9. Where the officer ceases to be employed as a civil servant in circumstances which do not render him eligible for a superannuation allowance under the Superannuation Acts, the Ministry of Finance may pay to or in respect of him whichever is the greater of the following sums :—

- (a) a sum equal to the amount which might have been paid to or in respect of him under any provisions of the superannuation regulations to which he was subject as a pensionable employee, if when he ceased to be a pensionable employee he had ceased to be so employed in similar circumstances ; or
- (b) such sum as the officer may be eligible to receive or as may be paid in respect of him under the Superannuation Acts by way of a short service gratuity or a death gratuity.

10. Where the officer was as a pensionable employee, an insured person within the meaning of the National Insurance Act 1946 (a), then

- (a) if he had been excepted from the operation of any provision of the superannuation regulations to which he was subject as a pensionable employee modifying the benefits provided by the regulations in relation to any such insured person as aforesaid, the provisions of any regulations made by the Ministry of Finance under sub-section (4) of section sixty-six of the National Insurance Act (Northern Ireland) 1946 (b), as respects the modification of the superannuation allowances payable to civil servants shall not apply to him ;
- (b) if he had not been so excepted, the provisions of the said regulations shall apply to him as if he had become a civil servant on or after the first day of April, 1948.

### PART III

*Payment of transfer values in respect of persons who have ceased or cease to be civil servants and become employed in the National Health Service in Great Britain*

11.—(1) This part of these rules shall apply to any person who —

- (a) either —
  - (i) becomes a pensionable employee within twelve months after ceasing to be employed as a civil servant, or
  - (ii) having become engaged in national service immediately after leaving his employment as a civil servant, becomes a pensionable employee within six months after the termination of his national service ; and
- (b) has before changing his employment as aforesaid obtained the consent of the Head Officer of the Department in which he ceased to be employed ; and

(c) has not become eligible for a pension under the Superannuation Acts ; and

(d) within three months after the date on which he becomes a pensionable employee or within six months after the date of the coming into operation of these rules whichever period last expires notifies the authority by whom he is then employed, that he desires these rules to apply to him and furnishes such authority with particulars of his previous pensionable employment and national service (if any).

(2) This part of these rules shall apply to such person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be employed as a civil servant or became a pensionable employee before the passing of the Act or the coming into operation of these rules, provided that —

(a) he has been a pensionable employee without a break of more than twelve months at any one time from the date when he ceased to be employed as a civil servant until the date of the coming into operation of these rules, and

(b) he ceased to be employed as a civil servant not earlier than the first day of April, 1950 ; and

(c) the Ministry of Finance consents.

(3) In this part of these rules a person to whom this part of these rules applies is referred to as “ the officer ”.

12.—(1) Where the officer gives such notice as is referred to in subparagraph (d) of paragraph (1) of the last preceding rule, the Ministry of Finance may pay to the Minister or, as regards Scotland, to the Secretary of State a transfer value of an amount equal to the transfer value which would have been payable under the regulations for the calculation of transfer values for the time being in force by virtue of the Act of 1937 had the officer, at the date when he ceased to be a civil servant, ceased to be a contributory employee under one local authority and become such employee under another local authority, less an amount equal to any sum which may become payable by way of income tax in respect of the amount transferred by way of transfer value.

13. Where the officer immediately after leaving his employment as a civil servant and before becoming a pensionable employee became engaged in national service, the period of his service as a civil servant which is to be taken into account for the purposes of the calculation of the transfer value payable under this part of these rules shall include any period of national service which would have been reckonable as service as a civil servant had the officer again become employed as a civil servant on the termination of such national service.

14. Where under rule 6 of these rules or any similar rule the officer became liable to pay to the Ministry of Finance sums equal to additional contributory payments but had not during his employment as a civil

servant completed making such payments, the right to receive the balance of the debt shall be transferred to the Minister or, as regards Scotland, the Secretary of State.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 31st day of December, 1953, in the presence of

(L.S.)

*Thos. Elwood,*  
Second Secretary.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 31st day of December, 1953, in the presence of

(L.S.)

*W. McCaughey,*  
Assistant Secretary.

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## TOURIST TRAFFIC

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*Catering Establishments :*

*Registration, p. 412*

*Registration Certificates, p. 420*

*Visitors Register, p. 421*

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### Development of Tourist Traffic

THE REGISTRATION OF CATERING ESTABLISHMENTS REGULATIONS, 1953, DATED 20TH FEBRUARY, 1953, MADE BY THE MINISTRY OF COMMERCE UNDER SECTIONS 11 AND 12 OF THE DEVELOPMENT OF TOURIST TRAFFIC ACT (NORTHERN IRELAND), 1948 AS AMENDED BY THE DEVELOPMENT OF TOURIST TRAFFIC (AMENDMENT) ACT (NORTHERN IRELAND), 1952.

1953. No. 24

#### PART I

##### *Qualifications for Registration of Catering Establishments*

General

1. WHEREAS the Northern Ireland Tourist Board (hereinafter referred to as "the Board") has duly recommended to the Ministry of Commerce (hereinafter referred to as "the Ministry") that the Regulations contained in this Part of these Regulations should be made by the Ministry under section eleven of the Development of Tourist Traffic Act (Northern Ireland), 1948, (hereinafter referred to as "the Act"), as amended by the Development of Tourist Traffic (Amendment) Act (Northern Ireland) 1952.

NOW THEREFORE, the Ministry on such recommendation and in pursuance of the powers conferred on it by that section and of every other power enabling it in that behalf hereby revokes the Registration of Catering Establishments Regulations, 1948, and prescribes that the general character, nature and extent of accommodation, service provided and other qualifications requisite for the registration of any