1989 No. 118

PENSIONS

The Social Security Commissioners' Pensions (Requisite Benefits) Order (Northern Ireland) 1989

Made . . . . . *23rd March 1989*

Coming into operation . . *6th April 1989*

The Lord Chancellor, as the appropriate authority designated by the Treasury(**a**) for the purposes of Article 61(1) of the Social Security Pensions (Northern Ireland) Order 1975(**b**) as having responsibility for the public service pension scheme established under the enactments listed in the Schedule, in exercise of the powers conferred by the said Article 61(1), hereby makes the following Order:—

PART I

INTRODUCTORY

Citation and commencement

1. This Order may be cited as the Social Security Commissioners' Pensions (Requisite Benefits) Order (Northern Ireland) 1989 and shall come into operation on 6th April 1989.

Interpretation

2. In this Order, unless the context otherwise requires—

"Commissioner" means the Chief Social Security Commissioner and any other Social Security Commissioner appointed under section 97(3) of the Social Security (Northern Ireland) Act 1975(**c**);

"the Principal Order" means the Social Security Pensions (Northern Ireland) Order 1975;

"final salary" has the meaning given by Article 11;

"relevant enactment" means section 97(4) of and paragraphs 6 and 7 of Schedule 10 to the Social Security (Northern Ireland) 1975 and, in the case of a Commissioner who has held one or more other judicial offices, includes any enactment relating to the payment of superannuation benefits to or in respect of such a Commissioner by virtue of such an office;

"relevant service" has the meaning given by Article 5(2) and (3);

(**a**) Substituted for the Minister for the Civil Service by S.I. 1981/1670
(**b**) S.I. 1975/1503 (N.I. 15)
(**c**) 1975 c. 15

"scheme" means, in relation to a Commissioner, the public service pension scheme established by a relevant enactment.

PART II

GENERAL

General effect of Order

3.—(1) This Order applies in relation to any such Commissioner as is mentioned in Article 4 so as to modify, or further modify, the scheme which is applicable in relation to him to make provision for his benefit, or otherwise in relation to him, which accords with the following provisions of this Order.

(2) Articles 8, 9 and 10 of this Order (which relate to guaranteed minimum pensions) apply in relation to any such Commissioner as is mentioned in Article 4 notwithstanding any other provision in any enactment, including the other provisions of this Order.

Commissioner to whom this Order applies

4. This Order shall have effect in relation to, but only to, any Commissioner who is holding office as Commissioner on 6th April 1989, or who is appointed to such an office when under pensionable age on or after that date:—

Provided that neither Article 6 nor Article 7 shall entitle a Commissioner appointed on or after 6th April 1989, or his widow, to a pension other than the minimum guaranteed under Article 8 or 9, unless his service in that office may be reckoned, for the purpose of superannuation benefits, together with service of his in an earlier office wholly or partly before that date (or might have been so reckoned but for his having left the later office before reaching compulsory retirement age).

Ceasing to hold office and relevant service

5.—(1) A Commissioner does not cease to hold office for the purposes of this Order so long as he continues to hold office as Commissioner or an office service in which may, under any enactment, be reckoned on any basis together with earlier service of his in office as Commissioner for the purpose of superannuation benefits.

(2) Subject to paragraph (3), a Commissioner's service as such is relevant service for the purposes of this Order and his relevant service may include any earlier service of his which may, under any enactment, be reckoned on any basis together with service of his as a Commissioner.

(3) Service is not relevant service for the purposes of this Order if it is service before 6th April 1978.

(4) For the purposes of paragraphs (1) and (2) above it is immaterial whether:—

(i) the Commissioner has served at any time in any other office (including an office in relation to which he ceases to hold office for the purposes of this Order);

(ii) the earlier and the later offices are the same;

(iii) any election in respect of the Commissioner is available, or, if available, has been made; and

(iv) the superannuation benefits payable under the relevant enactment relating to one office would, in the circumstances of the case, be unaffected by adding the other service into the reckoning.

PART III

REQUISITE BENEFITS

Commissioner's requisite benefits

6.—(1) As from his attainment of pensionable age, a Commissioner shall be entitled for the purposes of this Order to a pension under a scheme for his life.

(2) Subject to paragraphs (3) and (4), the annual rate of the Commissioner's pension under paragraph (1) shall be 1¼ per cent. of his final salary multiplied by the number of years of relevant service completed by him before he attained pensionable age.

(3) Paragraph (2) above shall not apply in relation to a Commissioner who—

(*a*) ceases to hold office before normal pension age; and

(*b*) has completed less than five years' qualifying service for the purposes of Schedule 3 (Requirements as to Preservation of Benefits Under Occupational Pension Schemes) to the Principal Order as originally enacted(**a**).

(4) Any part of the pension under paragraph (1) in excess of the Commissioner's guaranteed minimum pension shall be postponed for any period for which he continues in employment (whether or not employment to which the scheme relates) after attaining pensionable age.

Widow's requisite benefits

7.—(1) As from the death of a Commissioner (whether before or after attaining pensionable age) his widow shall be entitled for the purposes of this Order to a pension under a scheme.

(2) Subject to paragraphs (3) and (4), the annual rate of the widow's pension under paragraph (1) shall be 5/8ths per cent. of the final salary (or last salary before death) of the Commissioner multiplied by the number of years of relevant service completed by him before he attained pensionable age.

(3) Paragraph (2) shall apply for any such period as is mentioned in Article 38(6) of the Principal Order.

(4) Paragraph (2) shall not apply in relation to a Commissioner who dies after ceasing to hold office and who has completed less than five years' qualifying service for the purposes of Schedule 3 to the Principal Order as originally enacted(**a**).

(a) For the purpose of Articles 6 and 7 of this Order not as amended by Article 12 of the Social Security (Northern Ireland) Order 1986 S.I. 1986/1888 (N.I. 18)