# 1989 No. 117

# PENSIONS

## The Social Security Commissioners' Pensions (Preservation of Benefits) Order (Northern Ireland) 1989

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| *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 (Preservation of Benefits) Order (Northern Ireland) 1989 and shall come into operation on 6th April 1989.

*Interpretation*

**2.**—(1) In this Order, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975(**c**);

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

"full rate" means the rate at which a pension might have been granted to a Commissioner if his service had continued to normal pension age;

"normal pension age" means the earliest age at which, if his service had continued until retirement at that age, a Commissioner might have been granted a pension under the Act;

"relevant enactment" means the Act, Part II of the Judicial Pensions Act (Northern Ireland) 1951(**d**) so far as it relates to the office of Commissioner, and any enactment relating to the payment of

(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
(d) 1951 c. 20 (N.I.); amended by section 82 of and Parts II and III of Schedule 9 to the Social Security Act 1986 (c. 50)

superannuation benefits to or in respect of a Commissioner by virtue of any other judicial office held by him;

"relevant service" has the meaning given by Article 4(2).

(2) References in this Order to eligibility for a pension are, in relation to an office service in which carries entitlement to a pension, references to such entitlement, and references to the grant of a pension or to the rate at which a pension might be payable shall be construed accordingly.

## PART II

## GENERAL

*Commissioners to whom Order applies*

**3.** This Order shall apply to, but only to, a Commissioner who ceases to hold office after 5th April 1989.

*Ceasing to hold office and relevant service*

**4.**—(1) A Commissioner does not cease to hold office for the purposes of this Order if, after ceasing to hold office as a Commissioner but before reaching normal pension age, he starts to hold another office service in which may, under any relevant enactment, be reckoned on any basis together with service as a Commissioner for the purpose of superannuation benefits (or which might have been so reckoned but for his having left that other (or a subsequent) office before reaching compulsory retirement age).

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

(*a*) 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); or

(*b*) the earlier and the later offices are the same; or

(*c*) any election available in respect of the Commissioner has been made; or

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

(4) For the purpose of assessing a Commissioner's eligibility for a preserved benefit under this Order he shall be deemed not to have held office at any time when an election under paragraph 7A of Schedule 10 to the Act(**a**) was in force in respect of him.

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(**a**) As modified by the Personal Pension Option (No. 1) Regulations (Northern Ireland) 1989, S.R. 1989 No. 100