1977 No. 167

PENSIONS

The Pensions (Preservation of Benefits) Order (Northern Ireland) 1977

Made . . . . . 10*th June* 1977

Coming into operation . . . . 18*th July* 1977

The Department of the Civil Service(a), in exercise of the powers conferred on it by Article 61(1) of the Social Security Pensions (Northern Ireland) Order 1975(b), as the appropriate authority designated for that purpose by the Department of the Civil Service in accordance with the said provisions, hereby makes the following Order:—

INTRODUCTORY

Citation and commencement

1. This Order may be cited as the Pensions (Preservation of Benefits) Order (Northern Ireland) 1977 and shall come into operation on 18th July 1977.

Interpretation

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

"the Act of 1951" means the Judicial Pensions Act (Northern Ireland) 1951(c);

"full rate" means the rate at which a pension might have been granted to an office holder continuing to serve until reaching normal pension age;

"normal pension age" means the earliest age at which, if his service had continued until retirement at that age, an office holder might have been granted a pension under a relevant enactment;

"office holder" means a person who is or has been the holder of any scheduled office;

"relevant enactment" means an enactment by virtue of which an office holder might be granted a pension in respect of any relevant service and, in the case of an office holder who has held more than one office, includes any enactment relating to the payment of superannuation benefits to or in respect of persons such as him;

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

"scheduled office" means an office listed in the Schedule to this Order.

GENERAL

Office holders to whom Order applies

3. This Order shall have effect in relation to any office holder who ceases to hold office on or after 18th July 1977.

(a) Formerly Ministry of Finance; *see* 1973 c. 36 Sch. 5 para. 8(1) and S.R. 1976 No. 281 Art. 3(1)(*a*), Sch. 1 (II, p. 1339)
(b) S.I. 1975/1503 (N.I. 15)
(c) 1951 c. 20 (N.I.)

Ceasing to hold office and relevant service

4.—(1) An office holder does not cease to hold office for the purposes of this Order if, after ceasing to hold a scheduled office 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 in the earlier office for the purpose of superannuation benefits.

(2) An office holder's service in a scheduled office 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 in a scheduled office.

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

(*a*) whether the office holder 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*) whether the earlier and the later offices are the same; or

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

(*d*) whether 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.

PRESERVED BENEFITS

Office holder's pension

5.—(1) Subject to the following provisions of this Order, an office holder who has completed five years of relevant service but who ceased to hold office before normal pension age may become eligible for a pension under the relevant enactment when he reaches that age or the age of 60 whichever is the later.

(2) The annual rate at which that pension may be paid shall bear to the full rate the same proportion as the number of completed years of relevant service bears to the number of completed years which the office holder would have served if his service had continued to normal pension age.

Lump sum and widow's and children's pension

6.—(1) Except as provided by paragraph (3), sections 5 (other than subsections (2)(*b*) and (3)), 6 to 11 and 14 to 16 of the Act of 1951 (lump sums and widows' and children's pensions) shall apply in relation to an office holder who becomes eligible for a pension by virtue of this Order or who dies before becoming so eligible but could have become so eligible had he survived to normal pension age, as they apply in relation to an office holder who becomes eligible for a pension on retirement at normal pension age or who dies in service.

(2) The references in paragraph (1) to sections 5, 6 to 11 and 15 of the Act of 1951 include those sections as applied—

(*a*) by section 2(6) of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969(**d**) (President of the Industrial Court or Industrial Tribunals); and

(d) 1969 c. 7 (N.I.)