1971. No. 12 [C]

SUPERANNUATION

Interchange between the Civil Service of Northern Ireland and the Civil Service of Jersey

RULES, DATED 8TH JANUARY 1971, MADE BY THE MINISTRY OF FINANCE UNDER SECTIONS 33 AND 34 OF THE SUPERANNUATION ACT (NORTHERN IRELAND) 1967.

The Ministry of Finance, in exercise of the powers conferred on it by sections 33 and 34 of the Superannuation Act (Northern Ireland) 1967(a), and of all other powers enabling it in that behalf, hereby makes the following rules:—

PART I

GENERAL

Citation and commencement

1. These rules may be cited as the Superannuation (Civil Service of Northern Ireland and Civil Service of Jersey) Interchange Rules (Northern Ireland) 1971 and shall come into operation on 1st February 1971.

Interpretation

2. In these rules—

"the Act" means the Superannuation Act (Northern Ireland) 1967;

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

"the Committee" means the Establishment Committee of the States of Jersey;

"member of the civil service of Jersey" means a member of the civil service of Jersey who is pensionable under the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967 or the Civil Service Administration (Pensions) (Jersey) Rules 1963;

"pension" has the meaning assigned to it by section 33 of the Act;

"the Superannuation Acts" means the Superannuation Acts (Northern Ireland) 1967 and 1969;

"transfer value" has the same meaning as "accrued superannuation value" as that expression is defined in the Act.

PART II

TRANSFER FROM CIVIL SERVICE OF JERSEY TO CIVIL SERVICE OF NORTHERN IRELAND

Application

3.—(1) This part shall apply to any person who—

(*a*) becomes a civil servant within twelve months after ceasing to be a member of the civil service of Jersey or within such longer period as the Ministry of Finance may with the agreement of the Committee in any particular case allow; and

(a) 1967, c. 24 (N.I.).

(*b*) has not received payment of a pension (other than a return of contributions) from the Committee; and

(*c*) within three months after becoming a civil servant or within six months after the coming into operation of these rules or within such longer period as the Ministry of Finance may with the agreement of the Committee in any particular case allow notifies the Ministry of Finance in writing that he desires this part to apply to him and furnishes that Ministry with particulars in writing of his previous service.

(2) This part shall apply to such person as aforesaid and shall be deemed always to have applied to him notwithstanding that he ceased to be a member of the civil service of Jersey or became a civil servant before the coming into operation of these rules:

Provided that—

(*a*) he ceased to be a member of the civil service of Jersey on or after the 1st April 1950; and

(*b*) the Ministry of Finance and the Committee consent.

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

Reckoning of service

4. If the Ministry of Finance receives from the Committee a transfer value calculated in accordance with a method approved by the Ministry of Finance in respect of service which immediately before the officer ceased to be a member of the civil service of Jersey he was entitled to reckon as service in that capacity, such service shall subject to the provisions of this part be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant:

Provided that—

(*a*) any period of such service which was not reckonable for the purpose of determining whether the officer had served for the minimum period prescribed by the regulations or rules applicable to him as a member of the civil service of Jersey as necessary for any pension to be paid to him shall not be reckoned as service in the capacity of a civil servant 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; and

(*b*) any period of service which was reckonable for the purpose of determining whether the officer had served for the minimum period prescribed by the regulations or rules applicable to him as a member of the civil service of Jersey as necessary for any pension to be paid to him but not for calculating the amount thereof shall be reckonable as service as a civil servant for the purpose of determining whether he 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 and for no other purpose.

Continuation of contributions in respect of additional service

5. Where the officer has agreed to make, but had not before he ceased to be a member of the civil service of Jersey completed making, additional contributions as a condition of his service being increased by an additional period, such additional period shall not be reckoned as service in the capacity of a civil servant under rule 4 unless the officer pays to the Ministry of Finance