1968. No. 124 **[C]**

SUPERANNUATION

Allocation of Part of Pension

RULES, DATED 23RD MAY 1968, MADE BY THE MINISTRY OF FINANCE UNDER SECTIONS 44 AND 45 OF THE SUPERANNUATION ACT (NORTHERN IRELAND) 1967.

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The Ministry of Finance, in exercise of the powers conferred on it by sections 44 and 45 of the Superannuation Act (Northern Ireland) 1967(a), and of all other powers enabling it in that behalf, hereby makes the following rules:—

Citation and commencement

1. These rules may be cited as the Superannuation (Allocation of Pension) Rules (Northern Ireland) 1968 and shall come into operation on 1st July 1968.

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

Interpretation

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

"beneficiary" means the person in whose favour an allocation is made;

"the civil service" means the civil service of Northern Ireland;

"closing date" has the meaning assigned to it by rule 19(3);

"the Commissioners" means the Civil Service Commissioners for Northern Ireland;

"the Department" means, in relation to any person, the Department in which he is serving or, as the case may be, in which he last served before his retirement;

"lodged with the Department" means lodged with such officer of the Department as the Department may direct;

"make an allocation" means surrender a part of a pension under these rules;

"notional graduated retirement benefit" means, in relation to any person, the amount of the minimum rate of equivalent pension benefits applicable under the provisions of Part III of the National Insurance Act (Northern Ireland) 1966(**b**), as amended from time to time, in respect of so much of the period of service in respect of which that person's pension is payable as is service in a non-participating employment within the meaning of section 55(1) of that Act;

"Option Tables" means the tables prepared by the Ministry of Finance under sections 44 and 45 of the Superannuation Act;

"pension" means an annual pension and, in relation to a person eligible to make an allocation under these rules, means an annual superannuation, compensation or retiring allowance under the Superannuation Act;

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

(2) For the purposes of the references in these rules to the beginning of the period in respect of which a pension is payable or to the first day in respect of which a pension is payable, any suspension of a pension under section 12 of the Superannuation Act (cessation or reduction of annual allowance on re-employment) shall be disregarded.

Revocations and saving

3.—(1) The Superannuation (Allocation of Pension) Rules (Northern Ireland) 1936(**c**), the Superannuation (Allocation of Pension) Rules (Northern Ireland) 1947(**d**), the Superannuation (Allocation of Pension) Rules (Northern Ireland) 1951(**e**), the Superannuation (Allocation of Pension) (Amendment) Rules (Northern Ireland) 1964(**f**) and the Superannuation (Allocation of Pension) (Amendment) (No. 2) Rules (Northern Ireland) 1964(**g**) are hereby revoked.

(2) The revocation of any rules by these rules shall not affect any pension granted before the coming into operation of these rules.

Allocation to spouse or other dependant on grant of pension

4. Subject to the provisions of these rules, a person to whom a pension is or has been granted under the Superannuation Act, otherwise than on retirement (from the civil service or other employment) on the ground of ill health, shall be allowed to make an allocation under this rule in favour of his spouse or a dependant of his:

(**b**) 1966. c. 6 (N.I.).
(**c**) S.R. & O. (N.I.) 1936, No. 150.
(**d**) S.R. & O. (N.I.) 1947, No. 124.
(**e**) S.R. & O. (N.I.) 1951, No. 7.
(**f**) S.R. & O. (N.I.) 1964, No. 137.
(**g**) S.R. & O. (N.I.) 1964, No. 138.

Provided that a person whose pension has been granted before the coming into operation of these rules, and who has married since the grant of his pension, shall not be allowed to make an allocation under this rule in favour of his spouse.

Allocation to spouse on marriage after grant of pension

5. Subject to the provisions of these rules, a person—

(*a*) to whom a pension has been granted under the Superannuation Act, otherwise than on retirement (from the civil service or other employment) on the ground of ill health, and

(*b*) who has married since the grant of the pension and is under seventy years of age at the date of notification in accordance with rule 12,

shall be allowed to make an allocation under this rule in favour of his spouse.

Duration of beneficiaries' pensions

6.—(1) Where a person makes an allocation under these rules in favour of his spouse, the Ministry of Finance may grant to his spouse a pension which—

(*a*) if the person making the allocation exercises the option to be known as Option A, shall be payable in respect of the period, if any, for which the spouse survives the person making the allocation, or

(*b*) if the person making the allocation exercises the option to be known as Option B, shall be payable in respect both of the period of their joint lives beginning with the date as from which that person's allocation declaration has effect under paragraph (2) or paragraph (4) of rule 26 and of the period, if any, for which the spouse survives the person making the allocation.

(2) Where a pension is payable for the periods specified in paragraph (1)(*b*), the rate of pension payable to the spouse during the second period shall be twice the rate payable to the spouse during the first period.

(3) Where a person makes an allocation under these rules in favour of a dependant (other than a spouse), the Ministry of Finance may grant to such dependant a pension which shall be payable in respect of the period, if any, for which the dependant survives the person making the allocation.

Amount of beneficiaries' pensions

7. The amount of pension payable for each £1 of a person's pension surrendered by him shall be the amount, according to the age and sex of the person making the allocation and the age and sex of the beneficiary, shown in the appropriate Option Table in force at the date from which the person's allocation declaration has effect under paragraph (2) or paragraph (4) of rule 26.

Payment of beneficiaries' pensions

8. The pension of the beneficiaries shall be payable in arrear in the same manner as the pension of the person making the allocation is or would have been payable.

Limits on amount of pension surrendered

9.—(1) A person making an allocation under rule 4 shall not surrender—

(*a*) more than one-third of his pension; or

(*b*) so much of it as would make the amount of pension (as reduced by the amount surrendered) payable to him less than the amount of pension

payable to the beneficiary after the death of the person making the allocation; or

(*c*) so much of it as would make the amount of pension (as reduced by the amount surrendered) payable to him less than his notional graduated retirement benefit; or

(*d*) an amount of his pension which is not an exact number of pounds.

(2) A person making an allocation under rule 5 shall not surrender—

(*a*) a greater part of his pension than would, either alone or together with any part of his pension of which a surrender has been allowed under rule 4 or under the Superannuation (Allocation of Pension) Rules (Northern Ireland) 1936 and has not been cancelled under section 30(2) of the Superannuation Act (Northern Ireland) 1949(**h**), amount to one-third of his pension; or

(*b*) so much of it as would make the amount of pension (as reduced by the amount surrendered) payable to him less than the amount of pension payable to the beneficiary after the death of the person making the allocation; or

(*c*) so much of it as would make the amount of pension (as reduced by the amount surrendered) payable to him less than his notional graduated retirement benefit; or

(*d*) an amount of his pension which is not an exact number of pounds.

(3) Where a person has declared a desire to surrender such part of his pension as would, either alone or together with any part of his pension already surrendered under rule 4 or under the Superannuation (Allocation of Pension) Rules (Northern Ireland) 1936, exceed one-third of his pension, then the Ministry of Finance may make an award as if he had declared a desire to surrender the maximum amount which he is allowed to surrender under this rule.

Notification to persons eligible to make an allocation

10.—(1) Any person who, being in receipt of a pension, is, at the date of the coming into operation of these rules, eligible to make an allocation under rule 4, but who was not eligible to make an allocation under the Superannuation (Allocation of Pension) Rules (Northern Ireland) 1936, shall be notified by the Ministry of Finance of the making of these rules as soon as possible thereafter, and, upon request, shall be supplied with a copy of these rules and of the Option Tables.

(2) Any person who, having retired before the date of the coming into operation of these rules, and being eligible for the grant of a pension on the attainment of a certain age after that date, will, if such pension is granted, become eligible to make an allocation under rule 4, shall, as soon as possible after he has applied for the grant of such pension, be notified by the Ministry of Finance of the making of these rules, and, upon request, shall be supplied with a copy of these rules and of the Option Tables.

(3) Any person who retires from the civil service after the date of the coming into operation of these rules, and, being eligible for the grant of a pension on the attainment of a certain age after that date, will, if such pension is granted, become eligible to make an allocation under rule 4, shall on his retirement, and also, upon request, at any time within six months before he attains that age, be supplied by the Department with a copy of these rules and of the Option Tables.

(**h**) 1949, c. 13.

(4) Any person who retires from the civil service after the coming into operation of these rules, and, being eligible for the grant of a pension on his retirement, will, if such pension is granted, become eligible to make an allocation under rule 4, shall be notified by the Department of the date, or probable date, of his retirement, and shall at the same time be supplied with a copy of these rules and of the Option Tables.

(5) Where possible, in cases of retirement on the ground of age, notification under paragraph (4) shall be given at least six months before the date, or probable date, of retirement.

(6) Where in any case after notification has been given to any person under paragraph (4), the date, or probable date, of his retirement is altered, he shall be notified by the Department of the alteration in the date of his retirement as soon as possible after the altered date has been determined.

Provisional estimate of amount of pension

11. For the purposes of enabling a person who, upon being granted a pension, will be eligible to make an allocation to consider the question of making an allocation, the Department shall, if so requested by that person within six months before the date, or probable date, of the beginning of the period in respect of which the pension will be payable, inform him as soon as practicable of the provisional estimate made by the Ministry of Finance of the amount of his pension and additional allowance (if any) and of any alteration in that estimate, if any such alteration be subsequently made.

Notification of desire to make an allocation

12. Any person who is or becomes eligible to make an allocation shall, if he desires to make such an allocation, notify the Department to that effect and shall furnish to the Department on the form provided for the purpose the particulars required thereby in respect of the beneficiary; and the beneficiary shall write his signature in the appointed space on the form, unless the Ministry of Finance dispenses with his signature in accordance with paragraph (2) of rule 17.

Evidence required by Department

13.—(1) Upon receipt of the particulars required to be furnished by rule 12, the Department shall require the person concerned to furnish at his own expense—

(*a*) a certified copy of his birth certificate, except where the date of his birth is recorded in his Civil Service Certificate and is not disputed; and

(*b*) with respect to the beneficiary, a birth certificate, a marriage certificate (in the case of a woman who has been married) and any other information or evidence which the Department may consider necessary.

(2) If for any reason a birth or marriage certificate cannot be supplied, the Department may, with the consent of the Ministry of Finance, accept such evidence of birth or marriage as it may think fit.

Medical examination of person desiring to make an allocation

14.—(1) On receipt from a person of notification, in accordance with rule 12, of his desire to make an allocation and of the form referred to in that rule duly completed, the Department shall send to the Commissioners the person's sick leave record and shall request the Commissioners to report whether, in their opinion, he is of good health, regard being had to his age.