Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 3rd day of April 1967.

(L.S.) *S. H. O'Fee,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order exempts office premises erected at or adjacent to places where building operations or works of engineering construction are carried on and for the purpose of or in connection with the operations or works, from the requirements of section 6 of the Office and Shop Premises Act (Northern Ireland) 1966 as to temperature and from the requirement of section 10 of the said Act that water supplied for washing shall be running water. The exemption from section 6 of the said Act is granted subject to conditions relating to the provision for persons employed of means of warming themselves and requiring that no injurious or offensive method be used.

1967. No. 69 **[C]**

SUPERANNUATION

Interchange between the Civil Service of Northern Ireland and certain Public Boards

RULES, DATED 3RD APRIL 1967, MADE BY THE MINISTRY OF FINANCE UNDER SECTIONS 5, 6 AND 10 OF THE SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND) 1951.

The Ministry of Finance in exercise of the powers conferred on it by sections 5, 6 and 10 of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1951(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 Public Boards) Interchange Rules (Northern Ireland) 1967 and shall come into operation on 1st May 1967.

Interpretation

2. In these rules—

"the Act" means the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1951;

"the Superannuation Acts" means the Superannuation Acts (Northern

(a) 1951. c. 28.

Ireland) 1921 to 1966 and includes any enactments thereby applied to the civil service of Northern Ireland;

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

"pension" has the meaning assigned to it by the Act;

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

PART II

TRANSFERS FROM CERTAIN PUBLIC BOARDS TO THE NORTHERN IRELAND CIVIL SERVICE

Application

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

(*a*) becomes employed as a civil servant within twelve months after ceasing to be employed in any of the employments mentioned in the Schedule (hereafter in this part referred to as "the scheduled employment") or within such longer period as the Ministry of Finance may allow in any particular case; and

(*b*) has not become entitled to a pension other than a return of contributions on ceasing to be employed in the scheduled employment; and

(*c*) within three months after the date on which he becomes employed as a civil servant or within six months after the date of the coming into operation of these rules, whichever period last expires, or within such longer period as the Ministry of Finance may allow in any particular case, notifies the Department in which he is then employed that he desires these rules to apply to him and furnishes such Department with particulars of his previous pensionable employment; and

(*d*) if he has received any payment by way of a return of contributions, whether with or without interest, on or after ceasing to be employed in the scheduled employment, not being contributions made for the purpose of securing benefits for his widow, children or other dependants, pays a sum equal to such payment to the Ministry of Finance within three months after the date on which he becomes employed as a civil servant or within six months after the date of the coming into operation of these rules, whichever period last expires, or within such longer period as the Ministry of Finance may allow in any particular case.

(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 employed in the scheduled employment or became employed as a civil servant before the passing of the Act or the coming into operation of these rules:

Provided that—

(*a*) he has not ceased to be employed as a civil servant before the date of the coming into operation of these rules; and

(*b*) he ceased to be employed in the scheduled employment not earlier than the 1st day of April 1950; and

(*c*) the authority responsible for the administration of the pension scheme applicable to him in the scheduled employment consents.

(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 authority responsible for the administration of the pension scheme applicable to the officer in the scheduled employment a transfer value, calculated in accordance with a method approved by the said Ministry but reduced by an amount equal to the aggregate of any sum payable by the officer to the Ministry of Finance under rule 3(1)(*d*) and any sum which may become payable by way of income tax in respect of the amount transferred by way of transfer value, in respect of the service which the officer was entitled to reckon for the purposes of the said pension scheme immediately before he ceased to be employed in the scheduled employment, such service shall subject to the provisions of these rules 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 in the pension scheme applicable to him in the scheduled employment as necessary for any pension to be paid to or in respect of 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 in the pension scheme applicable to him in the scheduled employment as necessary for any pension to be paid to or in respect of 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 employed in the scheduled employment completed making, additional contributions under the pension scheme applicable to him in the scheduled employment in consideration 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 the last preceding rule unless the officer pays to the Ministry of Finance sums equal to the additional contributions which he would have been liable to make had he remained in the scheduled employment at the times at which and in the manner in which they would have been payable.

Return of contributions

6. Where the officer ceases to be employed as a civil servant in circumstances in which he is not eligible for a superannuation allowance under the Superannuation Acts or in which his service in the capacity of a civil servant is not transferable to some other superannuation scheme by virtue of rules made under section 6 of the Act or by virtue of any other arrangements, the Ministry of Finance may, provided he has not been dismissed in consequence of an offence of a fraudulent character or of grave misconduct, pay to or in respect of him whichever is the greater of the following sums:—

(*a*) a sum equal to the sum which might have been paid to or in respect of him by way of a return of contributions and any interest thereon