1964. No. 191 **[C]**

LANDS TRIBUNAL

Salaries and Superannuation

ORDER IN COUNCIL, DATED 18TH NOVEMBER, 1964, MADE UNDER SECTION 2(5) OF THE LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

Whereas a draft of this Order was laid before Parliament and approved by resolution of each House of Parliament:*

Now, therefore, I, John de Vere, Baron Wakehurst, Knight of the Most Noble Order of the Garter, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, by and with the advice and consent of Her Majesty's Privy Council in Northern Ireland, in exercise of the powers conferred on me by Section 2(5) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(a) and of all other powers in that behalf, do hereby order as follows:—

PART I

GENERAL

Citation

1. This Order may be cited as the Lands Tribunal (Salaries and Superannuation) Order (Northern Ireland) 1964.

Interpretation

2.—(1) In this Order—

"the Act" means the Lands Tribunal and Compensation Act (Northern Ireland) 1964;

"the Ministry" means the Ministry of Finance for Northern Ireland;

"the Tribunal" means the Lands Tribunal for Northern Ireland;

"member" means the President of the Tribunal or other member thereof, appointed under Section 1 of the Act;

"the personal pension" in relation to the provision of pensions for the widow or children of a member and the contribution payable therefor means the pension payable under this Order to the member or, if he dies in service, the pension for which he would have been eligible had he retired on the date of his death on the ground of permanent infirmity.

(2) Any reference in this Order to a person's adopting a child shall be construed as a reference to his adopting a child (whether alone or jointly with any other person) in pursuance of an adoption order made under the Adoption of Children Act (Northern Ireland) 1950(b), or under any corresponding enact-

(a) 1964. c. 29 (N.I.). (b) 1950. c. 6.

*A resolution approving the draft of this Order was passed by both Houses of Parliament on the 17th November, 1964.

ment of the Parliament of the United Kingdom or to his adopting a child (whether alone or jointly with any other person) in accordance with the law of the place where he was domiciled at the time of the adoption.

PART II

SALARIES

3. There shall be paid—

(*a*) to the President of the Tribunal a salary of £5,600 a year; and

(*b*) to each other member a salary of £5,300 a year.

PART III

SUPERANNUATION

PENSIONS AND LUMP SUMS

Annual pension

4.—(1) The Ministry may grant to a member an annual sum by way of pension—

(*a*) if, after he has completed not less than five years' service—

(i) he retires after attaining the age of seventy-two years; or

(ii) his office is declared vacant under Section 2(4) of the Act; or

(iii) the Ministry is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent; or

(*b*) if he retires after he has completed not less than fifteen years' service and attained the age of sixty-five years.

(2) The rate at which a pension may be granted under paragraph (1) shall be—

(*a*) for the first five completed years of service fifteen-eightieths of the last annual salary; and

(*b*) for each completed year of service in excess of five and up to fifteen two-eightieths of the last annual salary; and

(*c*) subject to paragraph (3), for each completed year of service in excess of fifteen one-eightieth of the last annual salary.

(3) The total amount of the pension shall not exceed one half of the last annual salary.

Lump sum on retirement or death

5.—(1) Where a person on retirement becomes eligible for a pension, the Ministry may, subject to the provisions of this Order, in addition grant to him a lump sum equal to twice the annual amount of that pension.

(2) Where a person was serving at the time of his death and, if he had then retired on the ground of permanent infirmity, would have become eligible for a pension, the Ministry may, subject to the provisions of this Order, grant to his representatives a lump sum equal to his last annual salary.

(3) Where a person on retirement becomes eligible for a pension and lump sum but dies so soon thereafter that the aggregate of sums paid or payable to him on account of that pension and the said lump sum falls short of his last annual salary, the Ministry may grant to his representatives a lump sum equal to the deficiency.

WIDOWS' AND CHILDREN'S PENSIONS

Power to grant widows' and children's pensions

6. Subject to the provisions of this Order on the death of a person (in this Order referred to as "the deceased") who—

(*a*) had become eligible for a pension; or

(*b*) was serving at the time of his death and would, if he had then retired on the ground of permanent infirmity, have become eligible for a pension;

the Ministry may grant—

(i) where he leaves a widow, a pension to that widow (in this Order referred to as a "widow's pension"); and

(ii) where he had a wife at any time during his service (whether or not the marriage continued until his death and whether or not a widow's pension is or can be granted), a pension for the benefit of the children of the marriage and of children adopted by him during the marriage (in this Order referred to as a "children's pension").

Widow's pension

7.—(1) A widow's pension may not be granted if the marriage with the deceased took place after his retirement.

(2) The widow's pension shall determine on her death or re-marriage but may, if the Ministry specially directs, be paid in respect of any period after re-marriage when she has no husband.

(3) The annual amount of the widow's pension may be one-third of the annual amount of the personal pension.

Children's pension: beneficiaries

8.—(1) A children's pension may be granted if, and be paid so long as and whenever, there are persons for whose benefit it can enure.

(2) Subject to the provisions of this article, the persons for whose benefit a children's pension can enure are any such children as are referred to in article 6 who are for the time being in their period of childhood and full-time education.

(3) A children's pension cannot enure for the benefit of any person conceived, or adopted by the deceased, after the end of the service of the deceased.

(4) A children's pension cannot enure for the benefit of a female person who at the time of the death of the deceased was married and if, after the death of the deceased, a female person marries, she shall thereupon cease to be a person for whose benefit a children's pension can enure.

Meaning of "period of childhood and full-time education"

9.—(1) A person shall be deemed for the purposes of article 8 to be in his period of childhood and full-time education while—

(*a*) he is under the age of sixteen; or

(*b*) he is receiving full-time instruction at any university, college, school or other educational establishment; or

(*c*) he is undergoing training by any person (hereinafter referred to as "the employer") for any trade, profession or vocation in such circumstances that—