PAYMENT OF HIGHER REMUNERATION

Paragraph 20.

The statutory minimum remuneration set out in this Schedule is without prejudice to workers' earning higher rates of wages or to agreements made, or that may be made, between employers and workers for the payment of remuneration in excess of the statutory minimum.

EXPLANATORY NOTE

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

This Order, which comes into operation on 2nd April, 1962, sets out the statutory minimum remuneration payable in substitution for that fixed by the Brush and Broom Wages Council (Northern Ireland) Wages Regulation Order, 1948 (Order N.I.B.B. (56)), as amended by Part I of the Schedule to the Brush and Broom Wages Regulation (Amendment) Order (Northern Ireland), 1960 (Order N.I.B.B. (83)). Order N.I.B.B. (56) and Part I of the Schedule to Order N.I.B.B. (83) are revoked.

New provisions in the Schedule are printed in italics.

1962. No. 52 **[C]**

SUPERANNUATION

Interchange between the Teaching Service in England and Wales and the Civil Service of Northern Ireland

RULES, DATED 21ST MARCH, 1962, 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 (Teaching Service in England and Wales and Civil Service of Northern Ireland) Interchange Rules (Northern Ireland), 1962, and shall come into operation on the 1st day of April, 1962.

Interpretation

2. In these rules the following expressions have the meanings hereby respectively assigned to them—

(a) 1951. c. 28.

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

"the Act of 1925" means the Teachers (Superannuation) Act, 1925(**a**);

"the Superannuation Acts" means the Superannuation Acts (Northern Ireland), 1921 to 1958, and includes any enactments thereby applied to the civil service of Northern Ireland;

"the Teachers Acts" means the Teachers (Superannuation) Acts, 1918 to 1956;

"teacher" includes any person who is treated as a teacher for the purposes of the Teachers Acts;

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

"contributions" means contributions payable by or in respect of a teacher under the Teachers Acts;

"contributory service" and "recognised service" have the same meanings respectively as they have under the Teachers Acts except that they do not include—

(*a*) service which is treated as recognised or contributory service under paragraph (*g*) of sub-section (2) of section 13 of the Act of 1925; or

(*b*) service which, under the provisions of any scheme made under paragraph (*c*) of sub-section (1) of section 21 of the Act of 1925, is treated in the same manner as service which is approved external service under section 13 of the Act of 1925; or

(*c*) recognised or contributory service in respect of which the person in question has received a return of contributions under the Teachers Acts (not being a return of contributions after last ceasing to be employed in contributory service) which he has not subsequently repaid to the Minister under the proviso to sub-section (2) of section 12 of the Act of 1925; or

(*d*) service which is treated as recognised or contributory service merely for the purpose of determining whether the person in question has completed the period of service required by the Teachers Acts as necessary for any pension to be paid to or in respect of him or merely for that purpose and for the purpose of assessing his average salary under those Acts;

"the Minister" means the Minister of Education for England and Wales;

"national service" in relation to any person means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**b**), and includes service immediately following such service as aforesaid, being service in any of Her Majesty's naval, military or air forces pursuant to a voluntary engagement entered into with the consent of the Head Officer of the Department in which, or of the authority or body by whom, he was employed before undertaking the service;

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

"contributing service" and "contributory employee" have the meanings respectively assigned to them by the Local Government Superannuation Act, 1937(**c**);

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

(**a**) 15 & 16 Geo. 5. c. 59. (**b**) 14 & 15 Geo. 6. c. 65. (**c**) 1 Edw. 8 & 1 Geo. 6. c. 68.

PART II

TRANSFER FROM CONTRIBUTORY SERVICE TO THE CIVIL SERVICE

Application

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

(*a*) either—

(i) becomes a civil servant within twelve months after ceasing to be employed in contributory service, or

(ii) having been appointed to a post in the permanent civil service of Northern Ireland within twelve months after ceasing to be employed in contributory service becomes employed as a civil servant, but, owing to causes which in the opinion of the Ministry of Finance and the Minister are reasonable, does not become so employed until after the expiration of such twelve months; and

(*b*) has not become entitled to a pension other than a return of contributions under the Teachers Acts; and

(*c*) within three months after the date on which he becomes a civil servant or within six months after the date of the coming into operation of these rules, whichever period last expires, notifies the Ministry of Finance in writing that he desires these rules to apply to him, and furnishes that Ministry with particulars of his previous recognised service (if any) and his contributory service; and

(*d*) if he has received any payment by way of return of contributions after last ceasing to be employed in contributory service, 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 and the Minister 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 contributory service or became a civil servant before the passing of the Act or the coming into operation of these rules provided that—

(*a*) he is a civil servant at the date of the coming into operation of these rules; and

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

(*c*) the Minister consents.

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

Reckoning of Service

4.—(1) If in respect of recognised or contributory service of the officer, other than contributory service under a scheme made under paragraph (*a*) of sub-section (1) of section 21 of the Act of 1925, the Ministry of Finance receives from the Minister a transfer value calculated in accordance with a method approved by the said Ministry less an amount equal to any sum which may become payable by way of income tax in respect thereof, the period of service taken into account in the transfer value shall, subject to and in accordance with the provisions of this part, be reckoned for the purposes of the Superannuation Acts as service in the capacity of a civil servant: