EXPLANATORY NOTE

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

The Superannuation (Public Offices) Rules, 1911, provided for the aggregation, in certain circumstances, of periods of established service in two or more public offices for the purpose of the award of retirement pension. The present rules enable unestablished service in one public office also to be reckonable, subject to the conditions stated, for the purpose of the award of retiring pension or gratuity when the officer transfers to established service in a second public office, or having transferred in an unestablished capacity is subsequently established in that office.

The rules also give effect to the provisions of paragraph 1 of the Second Schedule to the Superannuation Act (Northern Ireland), 1947, for enabling a person who has served in two or more public offices to be treated as having served continuously and successively in those offices (thus preserving his entitlement to superannuation) notwithstanding intervals between the periods of service in such offices during which he was in employment which was recognised as " approved employment " under section 4 of the Superannuation Act, 1914.

Transfers from the Civil Service to the Teaching Service

RULES DATED 4TH DECEMBER, 1958, MADE BY THE MINISTRY OF EDUCATION AND THE MINISTRY OF FINANCE UNDER SECTION 12A OF THE TEACHERS (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

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The Ministry of Education and the Ministry of Finance acting jointly in exercise of the powers conferred upon them by Section 12A of the Teachers (Superannuation) Act (Northern Ireland), 1950(a) hereby make the following rules:—

1. These rules may be cited as the Superannuation (Transfers from the Civil Service to the Teaching Service) Rules (Northern Ireland), 1958.

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

"the Act" means the Teachers (Superannuation) Act (Northern Ireland), 1950;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1919 as applied to the civil service of Northern Ireland and the Superannuation Acts (Northern Ireland), 1921 to 1951;

"civil servant" means a person serving in an established capacity in the permanent civil service of Northern Ireland and "established service" shall be construed accordingly;

(a) 1950. c. 33.

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

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

"contributory service" and "recognised service" have the meanings assigned to them by sub-section (1) of section 2 of the Act.

3.—(1) Where a person, without having become entitled to benefits under the Superannuation Acts becomes employed in recognised or contributory service within three months after ceasing, with the consent of the Department in which he was employed, to be employed in established service or within such longer period as the Ministry of Finance may allow in any particular case:—

(*a*) the period of his service on which superannuation benefits could be computed under the Superannuation Acts shall be reckoned as recognised or contributory service;

(*b*) any period of established service which is reckoned for the purposes of the Superannuation Acts at more than its actual length shall be similarly reckoned for the purposes of this rule but not so as to affect the calculation of average salary on which benefits are computed;

(c) any period of service which is reckoned for the purposes of the Superannuation Acts at less than its actual length shall be similarly reckoned for the purposes of this rule except that it shall be reckonable in full—

(i) in calculating the average salary on which benefits are computed; and

(ii) in determining whether that person has served for the minimum period required by the Act as a condition for any pension to be paid to or in respect of him;

(*d*) for the purposes of Section 3 of the Act, he shall be deemed to have become employed in recognised or contributory service at the date on which he became employed in established service.

(2) This rule shall apply to a person as aforesaid, being a woman, notwithstanding that on ceasing to be employed in established service she received a payment by way of a gratuity on marriage.

Provided that this rule shall not apply unless such person pays to the Ministry of Finance, within such period as that Ministry may direct, the amount of any gratuity so received.

4. These rules shall apply to any such person as is mentioned in paragraph (1) of rule 3 notwithstanding that the cessation of his employment in established service or the commencement of his recognised or contributory service was before the date of the