Bangor

ORDER, DATED 26TH FEBRUARY, 1951, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SUB-SECTION (1) OF SECTION TEN OF THE SUMMARY JURISDICTION AND CRIMINAL JUSTICE ACT (NORTHERN IRELAND), 1935.

1951. No. 33

WHEREAS by Order dated the 2nd day of August, 1950, the Ministry of Home Affairs, in exercise of the powers conferred upon it by sub-section (1) of section ten of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, temporarily abolished the Petty Sessions District of Bangor and made consequential arrangements for the holding in the Newtownards District of an additional sitting of Petty Sessions to hear such cases as would otherwise have been dealt with in the said abolished District :

AND WHEREAS it has been found possible to fix a convenient place within the District of Bangor at which Petty Sessions shall be held for that District :

NOW, THEREFORE, the said Ministry of Home Affairs, in pursuance of the powers conferred upon it by the said sub-section, hereby orders and directs that as and from the fifteenth day of March, 1951, the said Order of the 2nd day of August, 1950, shall be revoked and, accordingly, sittings of the Petty Sessions shall be resumed in the said District of Bangor as from the said date as though the Order hereby revoked had not been made.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 26th day of February, Nineteen Hundred and Fifty-one, in presence of

(L.S.) (Sgd.) *J. B. O'Neill*,
Assistant Secretary.

SUPERANNUATION

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Allocation of Pension

THE SUPERANNUATION (ALLOCATION OF PENSION) RULES (NORTHERN IRELAND), 1951, DATED 20TH JANUARY, 1951.

1951. No. 7

The Ministry of Finance (hereinafter referred to as " the Ministry ") in pursuance of the powers conferred upon it by section 33 of

the Superannuation Act (Northern Ireland), 1949 (**a**) and by section 33 of the Superannuation Act, 1949 (**b**) passed by the Parliament of the United Kingdom, as applied to existing Irish Officers within the meaning of the Government of Ireland Act, 1920 (**c**), (hereinafter referred to as " existing Irish Officers ") by the Superannuation Act (Application to Existing Irish Officers) Order, 1949 (**d**) and of all other powers enabling it in that behalf, hereby makes the following Rules :

1. These Rules may be cited as the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1951, and shall come into force on the 1st February, 1951.

2. The Interpretation Act, 1889 (**e**), as applied to Northern Ireland by the Interpretation Act, 1921 (**f**) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. In these Rules, unless the context otherwise requires :—

" the Act " means the Superannuation Act (Northern Ireland), 1949 or where it occurs in relation to existing Irish Officers, the Superannuation Act, 1949 passed by the Parliament of the United Kingdom as applied by the Superannuation Act (Application to Existing Irish Officers) Order, 1949 ;

" Superannuation Acts " means the Superannuation Acts (Northern Ireland), 1921 to 1949, or in relation to existing Irish Officers, the Superannuation Acts, 1834 to 1949, passed by the Parliament of the United Kingdom ;

" pension " means an annual pension and

(*a*) in relation to a retired civil servant, means an annual superannuation, compensation or retiring allowance under the Superannuation Acts ; and

(*b*) in relation to an existing Irish Officer, means an annual compensation allowance under the Eighth Schedule to the Government of Ireland Act, 1920.

" Civil Service " means the Civil Service of Northern Ireland ;

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

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

" beneficiary " means the spouse in whose favour an allocation is to be made ;

" Option Tables " means the tables prepared by the Ministry under section 33 of the Act and for the time being in force ;

" closing date " means :—

(**a**) 1949 c.13. (**b**) 12, 13 & 14 Geo. 6 c.44. (**c**) 10 & 11 Geo. 5 c.67.
(**d**) S. I. 1949 No. 1835. (**e**) 52 & 53 Vict. c.63. (**f**) 12 Geo. 5 c.4 (N.I.).

(*a*) in the case of a retired civil servant who, at the date of the making of these Rules, is eligible to make an allocation, the last day of the period of six months from the date on which he was notified by the Ministry of the making of these Rules or the last day of the period of three months from the date on which he was supplied with a copy of these Rules, whichever is the earlier ; and

(*b*) in the case of a retired civil servant who, after the date of the making of these Rules, becomes eligible to make an allocation, the last day of the period of three months from the date of his marriage ; provided that where the Ministry appoints a special closing date, either on the ground that, as a result of exceptional circumstances beyond the control of a person eligible to make an allocation, it is not, or was not, practicable for that person to carry through before the relevant date the steps necessary to enable him to make an allocation, or on any other ground mentioned in these Rules, then the expression " closing date " shall mean the date so appointed by the Ministry ;

" lodged with the Department " means lodged with such Officer of the Department in which he was serving at the date of his retirement as the Department may direct.

4. The persons who, subject to the provisions of the Act and these Rules, shall be allowed to make an allocation are persons who :—

(*a*) having been civil servants, have retired from the service, otherwise than on the ground of ill-health ; and

(*b*) have married since retirement and are under seventy years of age at the date of notification in accordance with Rule 10 hereof.

5. A pension granted under the Act and these Rules for the benefit of a spouse may, at the option of the retired civil servant, be payable either —

(*a*) in respect of the period, if any, for which the spouse survives the retired civil servant (hereafter to be known as Option A) ; or

(*b*) in respect both of the period of their joint lives subsequent to the surrender under the Act and these Rules of part of the retired civil servant's pension and of the period, if any, for which the spouse survives the retired civil servant ; and the rate of pension payable to the spouse during the latter period shall be twice the rate payable to the spouse during the former period (hereafter to be known as Option B).

6. The amount of pension payable in return for each £1 of the retired civil servant's pension surrendered by him shall be the amount,

according to the age and sex of the retired civil servant and the age and sex of the beneficiary, shown in the appropriate Option Table in force at the date of the marriage of the retired civil servant, or, if the marriage took place before the date of the making of these Rules, the appropriate Option Table in force at the date of the making of these Rules.

7. The pension of the beneficiary shall be payable in arrear in the same manner as the pension of the retired civil servant is or would have been payable.

8.—(1) A retired civil servant 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 by him has been allowed under section 2 of the Superannuation Act, (Northern Ireland) 1935 (**a**), and has not been cancelled under subsection 2 of section 30 of the Act, 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 retired civil servant's death ; or

(*c*) a smaller amount of his pension than would secure for the beneficiary after the death of the retired civil servant a pension equal to one-fourth of the amount of the pension (as reduced by the amount surrendered) payable to the retired civil servant ; or

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

(2) Where a retired civil servant has declared a desire to surrender such part of his pension as would alone or together with any part of his pension already surrendered under section 2 of the Superannuation Act (Northern Ireland), 1935, exceed one-third of his pension, then the Ministry may make an award as if he had declared a desire to surrender the maximum amount which he is allowed to surrender hereunder.

9.—(1) Every retired civil servant who is in receipt of a pension and under seventy years of age at the date of the making of these Rules and who retired before the date of the making of these Rules, shall be notified by the Ministry 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 for the time being in force ;

(2) Every civil servant who retires from the Civil Service, otherwise than on the ground of ill-health, shall be notified by the

(a) 1935 c.2.

Department in which he is serving of the existence of these Rules at the same time as the Department notifies him of the date, or probable date, of his retirement under Rule 9 (1) of the Superannuation (Allocation of Pension) Rules (Northern Ireland), 1936 (a), and, upon request, he shall be supplied with a copy of these Rules and of the Option Tables for the time being in force.

10. Every retired civil servant who is or becomes eligible to make an allocation shall, if he desires to make such an allocation, notify the Department in which he was serving at the date of his retirement (hereinafter referred to as " the Department ") to that effect and shall furnish to the Department in the form A.P.4 set out in the Schedule to these Rules the particulars required thereby in respect of the beneficiary. The beneficiary shall write his signature in the appointed space on the form, unless the Ministry dispenses with his signature in accordance with paragraph (2) of Rule 14.

11.—(1) Upon receipt of the particulars required to be furnished by Rule 10, the Department shall require the retired civil servant 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 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, accept such other evidence of birth or marriage as it may think fit.

12.—(1) On receipt from a retired civil servant of notification, in accordance with Rule 10 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 sick leave record of the retired civil servant and shall request the Commissioners to report whether, in their opinion, he is of good health, regard being had to his age.

(2) For the purposes of making their report, the Commissioners shall forthwith arrange for the retired civil servant to be medically examined by a physician nominated by the Commissioners.

(3) If, on considering the result of that examination in conjunction with the retired civil servant's sick leave record, the Commissioners are not satisfied that the retired civil servant is of good health, they shall notify him accordingly and shall offer him an opportunity of a further examination by their medical referee.

(a) S. R. & O. 1936 No. 150.