7. This Order may be cited as " The County Council (Surveyors Qualifications) Order (Northern Ireland), 1950 " and shall come into force on the date hereof.

Given under the Seal of the Ministry of Commerce for Northern Ireland this 4th day of November, 1950.

(L.S.) *Arthur Acheson Farrell,*
Assistant Secretary.

Pension

THE LOCAL GOVERNMENT SUPERANNUATION (ALLOCATION OF PENSION) RULES (NORTHERN IRELAND), 1950.

1950. No. 76

The Ministry of Health and Local Government (hereinafter referred to as " the Ministry "), in pursuance of the powers conferred on it by section 5 of the Local Government (Superannuation) Act (Northern Ireland), 1950, and of all other powers enabling it in that behalf, hereby makes the following rules :—

1. These Rules may be cited as the Local Government Superannuation (Allocation of Pension) Rules (Northern Ireland), 1950.

2. The Interpretation Act, 1921, 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 following expressions shall have the meanings hereby assigned to them :—

" The Act " means the Local Government (Superannuation) Act (Northern Ireland), 1950.

" Pension " means an annual pension and, in relation to a retiring officer, means an annual superannuation allowance.

" Make an allocation " means surrender a part of a pension under these Rules.

" Beneficiary " means the person in whose favour an allocation is to be made.

" Option Tables " means the tables prepared by the Ministry under section 5 of the Act.

" Closing date " means the date of the retirement of the retiring officer (that is to say, the day preceding the first day in respect of which his pension is payable).

" Lodged with the Local Authority " means lodged with such officer of the Local Authority as the Local Authority 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, being existing officers, retire otherwise than on the ground of ill-health, on or after the 1st day of April, 1950.

5.—(1) A pension granted under the Act and these Rules for the benefit of a spouse may, at the option of the retiring officer, be payable either —

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

(*b*) in respect both of the period of their joint lives subsequent to the retirement of the retiring officer and of the period, if any, for which the spouse survives the retiring officer ; 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).

(2) A pension granted under the Act and these Rules for the benefit of a dependant (other than a spouse) shall be payable in respect of the period, if any, for which the dependant survives the retiring officer.

6. The amount of pension payable in return for each £1 of the retiring officer's pension surrendered by him shall be the amount, according to the age and sex of the retiring officer and the age and sex of the beneficiary, shown in the appropriate Option Table in Schedule II to this Order.

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

8. A retiring officer shall not surrender —

(*a*) more than 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 retiring officer's death ; or

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

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

9.—(1) Every officer referred to in paragraph (*a*) of rule 4 who upon retirement will be eligible to make an allocation shall be notified by the Local Authority of the date, or probable date, of his retirement, and shall at the same time be supplied with a copy of these Rules.

(2) Where, in any case after such notification, as aforesaid, the date, or probable date, of retirement is altered, the officer shall be notified by the Local Authority of the alteration in the date of his retirement as soon as possible after the altered date has been determined.

10. For the purposes of enabling an officer who, upon retirement, will be eligible to make an allocation to consider the question of making an allocation, the Local Authority shall, if so requested by the officer after the receipt by him of a notification of the date, or probable date, of his retirement in accordance with rule 9, inform him as soon as practicable, of the provisional estimate made by the Local Authority of the amount of his pension.

11. Every officer who, upon retirement, will be eligible to make an allocation shall, if he desires to make such an allocation, notify the Local Authority to that effect and shall furnish to the Local Authority in the form A.P.1. set out in Schedule I 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.

12.—(1) Upon receipt of the particulars required to be furnished by rule 11, the Local Authority shall require the officer concerned to furnish at his own expense :

(*a*) a certified copy of his birth certificate ; and

(*b*) with respect to the beneficiary, a birth certificate, a marriage certificate (in the case of a woman who has been married) and any other information or evidence which the Local Authority may consider necessary.

(2) If for any reason a birth or marriage certificate cannot be supplied, the Local Authority may accept such other evidence of birth or marriage as they think fit.

13.—(1) On receipt from an officer of notification, in accordance with rule 11, of his desire to make an allocation and of the form referred to in that rule duly completed, the Local Authority shall, not earlier than three calendar months before the date, or probable date, of his retirement (notified to the officer in accordance with rule 9) arrange for that officer to be medically examined by a physician nominated by them.

(2) If, on considering the result of that examination in conjunction with the officer's sick leave record, the Local Authority are not satisfied that the officer is of good health, they shall notify him accordingly and shall offer him an opportunity of a further examination by a Medical Referee to be appointed by the Ministry.

(3) The fee payable to any physician or Medical Referee in respect of any medical examination shall be paid by the officer at the time of the examination.

14.—(1) The decision of the Local Authority upon the question whether an officer is of good health shall be final and conclusive.

(2) The physician, and in the case of a further examination, the Medical Referee, shall make his report direct to the Local Authority,

and neither the contents of any such reports nor the reasons for their decision shall be disclosed to the officer who has been examined.

15. If the Local Authority are satisfied with the evidence and particulars furnished to it by the officer in accordance with rule 12, the beneficiary shall write his usual signature in duplicate in the presence of such person, as the Local Authority may nominate.

16. If the Local Authority have no reason to doubt that the person who has written his signature as required by rule 16 is the person named as the beneficiary in the particulars required to be furnished by rule 11, they shall notify the officer concerned that he may make an allocation declaration.

17.—(1) Every allocation declaration shall be made in the form A.P.2. set out in the Schedule to these Rules, and shall be lodged with the Local Authority before midnight of the closing date.

(2) An allocation declaration which is not lodged with the Local Authority before midnight of the closing date, or which does not comply with these Rules, shall be invalid.

18. As soon as possible after the receipt of an allocation declaration the Local Authority shall inform the officer concerned whether such declaration is valid or invalid, and shall in the former case furnish him with a statement or estimate of the pensions that will be payable to himself and to the beneficiary and in the latter case state the grounds upon which the declaration has been held to be invalid.

19.—(1) An officer may cancel or amend his allocation declaration by notice in writing lodged with the Local Authority in the form A.P.3. set out in Schedule I to these Rules at any time before midnight on the day of his retirement, but, save as is provided in rule 20, no cancellation or amendment of an allocation declaration shall be permitted after that day.

(2) Save as is provided in rule 20, an allocation declaration which is lodged with the Local Authority after the day of the retirement of the retiring officer may not be cancelled or amended.

20. Where an officer who, in accordance with rule 10, has been informed of the provisional estimate of the amount of his pension is subsequently notified by the Local Authority of an alteration in the amount, or the estimated amount, of his pension less than fourteen days before the closing date, or after the closing date, but within six months after the date of his retirement, that officer may, if he has already made a valid allocation declaration, amend that declaration by notice in writing in the form A.P.3. lodged with the Local Authority before midnight of the fourteenth day after the receipt of such notification.

Provided that no notice of an amendment of an allocation declaration may be lodged with the Local Authority after the closing date except for the purpose of increasing or decreasing the amount of the pension to be surrendered by an amount not exceeding the increase or decrease (to the nearest pound) of the amount, or the estimated amount, of pension previously notified to such officer in accordance with rule 10.

21. An amendment of an allocation declaration shall not be valid if the allocation declaration as so amended does not comply with these Rules.

22. If any notice, declaration or other document is sent through the post, it shall not be deemed to be lodged with the Local Authority within the time prescribed by these Rules unless it is posted at a time which will normally ensure its due delivery within the time so prescribed.

23. Where an officer has been informed, in pursuance of rule 18, that an allocation declaration made by him is valid, that declaration shall remain valid, unless cancelled or amended by him in the manner and within the period permitted by these Rules, notwithstanding that, as the result of a subsequent alteration of the amount, or estimated amount, of his pension, the amount of pension to be surrendered no longer complies with rule 8.

24.—(1) Where an officer having made a valid allocation declaration dies before midnight on the day of his retirement, he shall, for the purpose of these rules, be deemed to have retired from office on the day immediately preceding the day on which he dies, and to have been awarded such superannuation allowance as the Ministry may direct.

(2) Subject to the preceding sub-paragraph of this rule, an allocation declaration shall have effect as from the first day in respect of which the retiring officer's pension is payable.

(3) Where, as the result of effect being given to an allocation declaration which is lodged with the Local Authority after the date of the retirement of a retiring officer, any over-payment of pension has been made to the retiring officer or a beneficiary, such over-payment shall be brought into account on the next payment or payments of pension to the person concerned.

Given under the Official Seal of the Ministry of Health and Local Government for Northern Ireland this eleventh day of May, 1950.

(L.S.) *L. G. P. Freer,*
Secretary