Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of July, 1948, in the presence of

(L.S.)

John I. Cook,
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

Regulation 3.

FURTHER PROVISIONS AFFECTING TRANSFERS MADE BY THESE REGULATIONS

1. Every asset which is transferred by virtue of these regulations shall vest free of any trust existing immediately before the 9th August, 1948.

2. Every transferor of any asset which is transferred by virtue of these regulations shall, on the request of the transferee, execute and do all such lawful assurances and things as may be necessary for perfecting the title thereto.

3.—(1) Without prejudice to the generality of the provisions of regulation 3, every transferor, and every person who is responsible for keeping any register or book in which there is registered or inscribed any asset transferred by virtue of these regulations or is otherwise concerned with the registration or inscription of any such asset, shall do all such things as are necessary, or as the transferee may direct, to be done for the purpose of securing the due registration or inscription of the title of the transferee to that asset and the delivery to the transferee of any document constituting evidence of the said registration or inscription.

(2) The duty imposed by the preceding paragraph of this regulation in relation to any asset shall include a duty to do all such things as are necessary to secure that any dividend or interest payable in respect of that asset on or after the 9th August, 1948, will be paid to the transferee.

(3) A certificate issued by the Ministry that any specified asset is an asset which has been transferred to the transferee by virtue of these regulations shall be treated by any person responsible or concerned as aforesaid as evidence that that asset has been so transferred.

4. Every agreement, whether in writing or not, and every document not being an agreement, under which, immediately before the 9th August, 1948, any asset transferred by virtue of the Act is held shall, unless any property not so transferred is held thereunder, as from the 9th August, 1948, have effect as if a reference to the transferee were substituted for any reference therein (however worded and whether express or implied) to the transferor.

5. Any proceedings affecting any asset transfered by virtue of these regulations which, on the 9th August, 1948, are pending shall not be prejudicially affected by reason of that transfer, but any such proceedings may be amended in such manner as may appear necessary or proper for enabling them to be prosecuted or enforced by or against the transferee or any other person or persons concerned as the case may be.

6. References in this schedule to an asset shall include references to the whole or part of any fund transferred by these regulations.

National Insurance and Civil Service (Superannuation) Regulations (Northern Ireland), 1948

REGULATIONS, DATED 30TH DECEMBER, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE SUPERANNUATION (SPECIAL PROVISIONS) ACT (NORTHERN IRELAND), 1948.

1948. No. 350

The Ministry of Labour and National Insurance, with the consent

of the Ministry of Finance, in exercise of the powers conferred on it by section 1 of the Superannuation (Special Provisions) Act (Northern Ireland), 1948, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance and Civil Service (Superannuation) Regulations (Northern Ireland), 1948, and shall come into operation on the 1st January, 1949.

(2) In these regulations, unless the context otherwise requires —

" the Act " means the Superannuation (Special Provisions) Act (Northern Ireland), 1948 ;

" the Superannuation Acts " means the Superannuation Acts (Northern Ireland), 1921 to 1947 ;

" the National Insurance Act " means the National Insurance Act (Northern Ireland), 1946 ;

" the Unemployment Insurance Act " means the Unemployment Insurance Act (Northern Ireland), 1936 ;

" the Health Insurance Act " means the National Health Insurance Act, 1936 ;

" the Sickness Visitation Committee " means the Sickness Visitation Committee constituted under the scheme framed by virtue of section 207 of the Health Insurance Act ;

" the Ministry " means the Ministry of Labour and National Insurance for Northern Ireland ;

" former employment " and " former emoluments " have the meanings given to those expressions in regulation 3 ;

" health insurance business " means business under the Health Insurance Act ;

" the appointed day " means the appointed day for the purposes of the National Insurance Act ;

" transferor " means, in relation to any fund or assets which, as at the 9th August, 1948, are transferred by virtue of these regulations, the person in whom such fund or assets were vested immediately before that day ; and " transferee " means, in relation to any such fund or assets, the person to whom such fund or assets are so transferred ;

" Civil Service retiring age " has the same meaning as " retiring age " in the Superannuation Act (Northern Ireland), 1935 ;

" tribunal " means a referee or board of referees appointed by the Minister of Labour and National Insurance ;

" number of years " includes a fractional number ;

" war service " has the meaning given to that expression in paragraph 4 of the First Schedule to these regulations ;

" pension ", " pension rights " and (subject to the provisions of the next following paragraph) " pension scheme " and " pension fund " have the same meanings as in the Act ;

" pensionable employment " means employment which is relevant in relation to the pension rights of the person employed, and includes all such employment, whether or not for a period sufficient to render him entitled to, or eligible for, the payment of a pension to or in respect of him ;

" the Superannuation Rules " means the National Insurance and Civil Service (Superannuation) Rules, 1948, made by the Minister of National Insurance ;

and other expressions have the same meanings as in the Act, the Superannuation Acts or the National Insurance Act, as the case may be.

(3) Subject to the provisions of regulation 22, references in these regulations to a pension scheme or pension fund shall not apply to any such scheme or fund unless provision is made, either by statute relating to the scheme or fund, or by trust deed, rules or other instrument made for the purposes thereof, as to the conditions upon which—

(*a*) in the case of a contributory scheme or fund, persons may become and cease to be contributors ; and

(*b*) in every case, persons may become and cease to be entitled to benefits.

(4) References in these regulations to any enactment, regulations or rules shall include references to such enactment, regulations or rules as amended by any subsequent enactment, order, regulations or rules.

(5) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

PART II

Persons who become civil servants

Length of service for purposes of the Superannuation Acts.

2.—(1) Subject to the provisions of these regulations, where a person has been employed full time —

(*a*) by an Approved Society ; or

(*b*) by some other body (including a body of which the Society is a branch or section) administering the affairs of an Approved Society ; or

(*c*) by a body administering a special scheme under section 77 of the Unemployment Insurance Act (which section relates to special schemes) ; or

(*d*) by the Sickness Visitation Committee ;

and, whether before or after the passing of the Act but before the 5th July, 1949, becomes a civil servant, then, if his employment by such Society, body or Committee was such as to satisfy the conditions provided in regulation 3, such employment shall be treated for the purposes of the Superannuation Acts in the manner provided by regulation 4 or, as the case may be, regulation 5.

(2) If a person who otherwise satisfies the provisions of the last preceding paragraph is unable to become a civil servant before the 5th July, 1949, by reason only of his failing on account of ill health or disablement to satisfy the Civil Service Commissioners for Northern Ireland but enters employment in the Civil Service of Northern Ireland in an unestablished capacity before that date, and after continuous service in such a capacity becomes a civil servant at some later date, the Ministry, with the consent of the Ministry of Finance, may direct that he shall be treated as having satisfied those provisions, and these regulations shall apply accordingly in his case but subject to such modifications as the Ministry of Finance may determine.

Conditions to be satisfied in relation to former employment.

3.—(1) For the purposes of the last preceding regulation and of regulation 10, the following conditions are to be satisfied in relation to a person's employment by such Society, body or Committee as is mentioned in the last preceding regulation :—

(*a*) that the person —

(i) was continuously in full time employment by such Society, body or Committee from the 1st January, 1946, until the relevant date, and had on the said 1st January, 1946, pension rights in a pension scheme associated with that employment, or was then by the terms of his employment eligible to have such rights at a specified future date if he remained in the employment ; or

(ii) on the 5th July, 1940, was employed full time by such Society, body or Committee in a permanent capacity or in a capacity having a recognised and considerable expectation of permanency, and was continuously so employed until the relevant date ; and

(*b*) (except in the case of employment by a body administering a special scheme under section 77 of the Unemployment Insurance Act) that, during at least half of the person's working time from the 5th July, 1940 (or, if that is more favourable to the person, from the 1st January, 1946) until the relevant date, he was engaged in health insurance business.

(2) The provisions of this regulation shall, in relation to any person who was engaged in war service at any time during the period from the 5th July, 1940, to the relevant date, apply subject to the provisions of the First Schedule to these regulations.

(3) Where in any particular case the foregoing conditions are not completely satisfied, but the facts of the case are such as in the opinion of the Ministry show a substantial degree of satisfaction of the conditions and justify the treatment of the person as having satisfied them, the Ministry may direct that the person shall be so treated, and these regulations shall apply accordingly.

(4) In this regulation the expression " the relevant date " means,—

(*a*) in the case of a person who becomes a civil servant, the date on which he last ceased to be employed by such Society, body or Committee ;

(*b*) in the case of a person who suffers a loss of employment to which regulation 10 applies, the date of that loss of employment.

(5) In these regulations —

(*a*) the expression " former employment " means employment in relation to which the provisions of this regulation are satisfied, and any earlier full time employment by such Society, body or Committee of which it is in continuation, and any reference to the period of a person's former employment shall be construed as referring to a continuous period ending with the relevant date, employment under successive employers being aggregated, so, however, that a period may in the discretion of the Ministry be deemed to be continuous notwithstanding breaks in the employment due to sickness, unemployment or other reasonable cause, and the period or periods of any such breaks shall in that discretion be disregarded in computing the period of former employment ;

(*b*) the expression " former emoluments " means, in relation to a person's former employment, the normal annual rate immediately before the relevant date of his salary or wages, and the amount received during the twelve months before the relevant date by way of commission, fees and other similar payments, and bonus, allowance or overtime pay incorporated in the general wages structure, including any regularly recurring overtime, and the money value during those twelve months of any personal travel privileges appertaining to the employment, but does not include payments for travelling on duty, subsistence, clerical assistance, office accommodation or overtime pay not incorporated as aforesaid.

Persons not having pension rights in former employment.

4.—(1) In the case of a person to whom regulation 2 applies, who did not on the 1st January, 1946, or at any time thereafter have pension rights in a pension scheme associated with his former employment, the period of his former employment shall, subject to the following provisions of this regulation, be treated for the purposes of the Superannuation Acts as if it had been continuous service in an unestablished capacity ending immediately before the date on which the said person became a civil servant.

(2) The foregoing provisions of this regulation shall not apply to any person unless, not later than the 5th July, 1949, he pays into the Exchequer a sum equal to two per cent. of his former emoluments multiplied by one half of the number of years of the period of his former employment :

Provided that —

(*a*) a person may, with the consent of the Ministry of Finance,