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Allocation of Pension.

THE SUPERANNUATION (ALLOCATION OF PENSION) RULES (NORTHERN IRELAND), 1936, DATED 14TH NOVEMBER, 1936.

1936. No. 150.

The Ministry of Finance (hereinafter referred to as "the Ministry") in pursuance of the powers conferred on it by section 2 of the Superannuation Act (Northern Ireland), 1935, and by section 2 of the Superannuation Act, 1935, passed by the Parliament of the United Kingdom, as applied to existing Irish Officers within the meaning of the Government of Ireland Act, 1920 (hereinafter referred to as "existing Irish Officers") by the Superannuation Act (Application to Northern Ireland Officers) Order, 1936, 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), 1936.

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 Superannuation Act (Northern Ireland), 1935, or, where it occurs in relation to existing Irish Officers, the Superannuation Act, 1935, passed by the Parliament of the United Kingdom as applied by the Superannuation Act (Application to Northern Ireland Officers) Order, 1936.

"Superannuation Acts" means the Superannuation Acts (Northern Ireland), 1921 to 1935, or, in relation to existing Irish Officers, the Superannuation Acts, 1834 to 1935, passed by the Parliament of the United Kingdom.

"Pension" means an annual pension and, in relation to a retiring officer, means an annual superannuation, compensation or retiring allowance under the Superannuation Acts.

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

"Option Tables" means the tables prepared by the Ministry under section 2 of the Act.

"Closing date" means the date of the retirement of the the retiring officer (that is to say, the day preceding the first day in respect of which his pension is payable) or, in the case of any officer who was supplied by the Department in which he is or was last serving (hereinafter referred to as "the Department") with a copy of these Rules less than three calendar months before the date of his retirement, the last day of the period of three calendar months from the date on which he was supplied with a copy of these Rules.

"Lodged with the Department" means lodged with such Officer of the Department 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—

(*a*) who, being civil servants, retire or have retired from the Civil Service, otherwise than on the ground of ill-health, on or after the 17th day of December, 1935; or

(*b*) who, having served in the Civil Service after the 17th day of December, 1935, retire from some other employment, otherwise than on the ground of ill-health, in such circumstances as to qualify them for the grant of superannuation allowance in respect of their service in the Civil Service.

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 force at the date of the retirement of the retiring Officer.

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 Department of the date, or probable date, of his retirement, and shall at the same time be supplied with a copy of these Rules and of the Option Tables for the time being in force.

(2) Where possible, in cases of retirement on the ground of age, such notification shall be given at least six calendar months before the date, or probable date, of retirement.

(3) 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 Department 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 Department 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 Ministry or, in the case of an existing Irish Officer, by the Civil Service Committee for Northern Ireland of the amount of his pension and additional allowance (if any) and of any alteration in that estimate, if any such alteration be subsequently made.

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

12.—(1) Upon receipt of the particulars required to be furnished by rule 11, the Department shall require the officer 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 (in the case of a woman who has been married) 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.

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 Department shall send to the Commissioners the sick leave record of that officer and shall request the Commissioners to report whether, in their opinion, the officer is of good health, regard being had to his age.

(2) For the purposes of making their report, the Commissioners 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 the Commissioners.

(3) If, as a result of that examination, the Commissioners 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 their Medical Referee.

(4) 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 Commissioners upon the question whether an officer is of good health shall be final and conclusive.