STATUTORY INSTRUMENTS

1984 No. 358

NORTHERN IRELAND

The Assembly Pensions (Amendment) (Northern Ireland) Order 1984

Made - - - -	14*th March* 1984
Coming into Operation	1*st April* 1984

At the Court at Buckingham Palace, the 14th day of March 1984

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by sections 9 and 26 of the Northern Ireland Constitution Act 1973(**a**) and by section 4(3) of the Northern Ireland Act 1982(**b**), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Assembly Pensions (Amendment) (Northern Ireland) Order 1984 and shall come into operation on 1st April 1984.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the principal Order" means the Assembly Pensions (Northern Ireland) Order 1976(**d**).

Voluntary participation by certain office-holders

3. For Article 4 of the principal Order there shall be substituted the following Article:—

"Voluntary participation by holders of qualifying offices

4.—(1) In this Order "qualifying office" means any of the following, namely—

(a) any office held under section 8 of the Northern Ireland Constitution Act 1973;

(b) the office of chairman or deputy chairman of any of the committees established in pursuance of paragraph *(a)* of section 4(1) of the Northern Ireland Act 1982.

(**a**) 1973 c.36. (**b**) 1982 c.38. (**c**) 1954 c.33 (N.I.).
(**d**) S.I. 1976/1779.

(2) Subject to paragraph (3), in respect of any continuous period for which a person is—

(a) the holder of one and the same qualifying office, or

(b) the holder successively of two or more qualifying offices in respect of which the same salary is payable,

he shall be a participant under this Article unless he has elected otherwise in accordance with paragraph (4).

(3) A person who is or has at any time been presiding officer of the Assembly shall not be a participant under this Article.

(4) In respect of any such period as is mentioned in paragraph (2) (in this Order referred to as a "period of tenure of a qualifying office") an election by a person not to be a participant under this Article must be made by notice in writing given to the Trustees—

(a) if that period began before 1st April 1984, before the end of the period of twelve months beginning with that date;

(b) in any other case, before the end of the period of twelve months beginning with the date on which the period of tenure of a qualifying office in question began,

or, in either case, before the end of such further period as the Trustees, having regard to the circumstances of the case, may allow.

(5) An election made under this Article shall be irrevocable and shall have effect from the date on which the period in question began.".

Contributions

4.—(1) For paragraph (1) of Article 5 of the principal Order there shall be substituted the following paragraph:—

"(1) There shall be deducted from each payment of a member's salary a sum calculated at the rate of six per cent. per annum of such salary.".

(2) Paragraphs (4), (5) and (6) of that Article shall cease to have effect.

(3) In Article 6(1) of the principal Order for the words "has elected to be" there shall be substituted the word "is".

(4) The following provisions in that Article shall cease to have effect namely—

(a) in paragraph (3) the words in brackets;

(b) paragraphs (5) and (6).

Reckonable service

5.—(1) In Article 8 of the principal Order in paragraph (1) after the word "means" there shall be inserted the words ", subject to paragraphs (2A) and (2B)," and after paragraph (2) of that Article there shall be inserted the following paragraphs:—

"(2A) In calculating for the purposes of this Order a person's aggregate period of reckonable service as a member, a period during which he was a member shall be disregarded—

(a) in so far as it fell after the time when his aggregate period of reckonable service as a member reached forty years and before the time when he attains or attained the age of sixty-five years; and

(b) in so far as it fell after the time when he attained that age and would, apart from this sub-paragraph, cause his aggregate period of reckonable service as a member to exceed forty-five years.

(2B) Schedules 3 and 4 shall have effect with respect to the purchase of additional periods of reckonable service by members, and, subject to those Schedules, the aggregate period of reckonable service as a member of a person who purchases an additional period under those Schedules shall be treated as increased by that additional period.".

(2) In paragraph (3) of that Article for the words "has elected to be" there shall be substituted the word "is" and after the word "means" there shall be inserted the words "subject to paragraph (4A)".

(3) After paragraph (4) of that Article there shall be inserted the following paragraphs:—

"(4A) In calculating for the purposes of this Order a person's aggregate period of reckonable service as an office-holder, his period or periods of reckonable service as an office-holder shall be disregarded—

(a) so far as may be necessary to prevent his aggregate period of reckonable service as an office-holder from exceeding forty years at or before the time when he attains or attained the age of sixty-five years; and

(b) so far as may be necessary to prevent his aggregate period of reckonable service as an office-holder from exceeding forty-five years at any time;

and, in the case of any person, the particular part or parts of his period of reckonable service as an office-holder to be disregarded in pursuance of this paragraph or, if there are two or more such periods, the particular periods or parts of periods (or both) to be so disregarded shall be that or those which, being disregarded, will make the aggregate of the contribution credits calculated in his case under Article 11(3) as large as possible consistently with this paragraph.

(4B) For the purpose of calculating the annual amount of—

(a) a pension payable under Article 14 to the widow of a man whose aggregate period of reckonable service (whether as a member or otherwise) comprises no period which began before 6th April 1978; or

(b) a pension payable under Article 15 to the widower of a woman whose aggregate period of reckonable service (whether as a member or otherwise) comprises no period which began before that date,

paragraphs (2A) and (4A) shall be disregarded; and where to do so would increase the annual amount of a pension payable under Article 14 or 15, there shall be disregarded, both for the purposes of this paragraph and for the purpose of calculating that annual amount, all periods before 6th April 1978 during which the deceased was a member or held a qualifying office.".

(4) After Schedule 2 to the principal Order there shall be added as Schedules 3 and 4 the Schedules set out in Schedules 1 and 2 to this Order.

Pensions for members on early retirement

6.—(1) In Article 9 of the principal Order after paragraph (3) there shall be inserted the following paragraph:—

"(3A) Where, in the case of any dissolution of the Assembly occurring after 1st April 1984, a person who—

(a) immediately before the dissolution was a member;

(b) at the dissolution had attained the age of sixty-two years and had been a member for a period of not less than twenty-five years, or for two or more periods amounting in the aggregate to not less than twenty-five years; and

(c) is not a candidate for election to the Assembly,

applies to the Trustees, before the end of the day of the poll in the general election consequent upon the dissolution for a pension under this Article payable from the time when the salary payable to him as a member ceases to be payable, then, if the Trustees are satisfied that he does not intend to stand for re-election to the Assembly, he shall be entitled to receive a pension under this Article as from the time when that salary ceases to be payable, calculated (subject to Article 12) in accordance with paragraph (2).".

(2) At the end of that Article there shall be added the following paragraph:—

"(7) For the purposes of paragraph 4 of Schedule 3 to the Social Security Pensions (Northern Ireland) Order 1975 (meaning of "normal pension age" in relation to an occupational pension scheme) paragraphs (3) and (3A) of this Article and paragraph (4) of Article 11 shall be disregarded.".

Pensions for participants under Article 4 of principal Order

7.—(1) In Article 10(1) for the words "has elected to be" there shall be substituted the word "is" and at the end there shall be added the words "sub-paragraph *(c)* of the said Article 9(1) being for this purpose read as if it mentioned an aggregate period of reckonable service (whether as a member or otherwise) of not less than three years (instead of four).".

(2) In paragraph (2) of that Article the words in brackets shall cease to have effect.

Ill-health pensions

8.—(1) After Article 11 of the principal Order there shall be inserted the following Articles:—

"Ill-health pensions based on service as a member

11A.—(1) A person who because of ill-health—

(a) has after 1st April 1984 ceased to be a member before attaining the age of sixty-five years; or

(b) having been at any time a member has, after 1st April 1984 and while not a member, ceased to hold a qualifying office before attaining that age,

may apply to the Trustees for an early pension under Article 9 if at the time when he so ceased ("the material time") he would have become entitled to receive a pension under that Article but for his not having attained the age of sixty-five years.

(2) If on an application under this Article the Trustees are satisfied—

(a) that the applicant does not intend to seek re-election to the Assembly or to accept any future offer of a qualifying office;

(b) that his ceasing as mentioned in paragraph (1)*(a)* or *(b)* was a direct consequence of his ill-health; and

(c) that his ill-health is such as would prevent him from performing adequately the duties of a member,

the applicant shall be entitled to receive a pension under Article 9 as from the material time.

(3) A person who, if he were to cease as mentioned in sub-paragraph *(a)* or *(b)* of paragraph (1) at a particular time in the future because of ill-health, would become entitled to make an application under that paragraph may make such an application before that time, specifying in it the time when he proposes to so cease; and where on such an application the Trustees are satisfied that, if the applicant so ceases at the time specified therein, he will be entitled under paragraph (2) to receive a pension under Article 9 as from that time, they shall give him notice in writing to that effect.

(4) The annual amount of a pension payable under Article 9 to a person by virtue of this Article shall (subject to Article 12), be calculated in accordance with Article 9(2); but for the purposes of that calculation his aggregate period of reckonable service as a member shall, subject to paragraph (5), be increased by whichever of the following periods applies in his case, namely—

(a) if, apart from this paragraph, his aggregate period of reckonable service as a member at the material time was less than ten years, a period equal to that aggregate period;

(b) if, apart from this paragraph, his aggregate period of reckonable service as a member at that time was ten years or more but less than twenty years, a period equal to the difference between that aggregate period and twenty years or a period of six years and eight months, whichever is the longer;

(c) in any other case, a period of six years and eight months.

(5) A person's aggregate period of reckonable service as a member—

(a) shall in no case be increased under paragraph (4) by a period longer than the period between his ceasing as mentioned in paragraph (1)*(a)* or *(b)* and the time when he would attain the age of sixty-five years; and

(b) as increased under paragraph (4) shall in no case exceed forty years.

(6) References in paragraphs (4) and (5) to a person's aggregate period of reckonable service as a member are references to that period as increased by or under any provision of this Order, other than paragraph (4), and include any additional period of reckonable service which, in accordance with Schedule 3, he has undertaken to purchase by way of periodical deductions from salary.

(7) For the purposes of this Article—

(a) a person who has ceased to be a member in consequence of the dissolution of the Assembly shall be treated as having so ceased because of ill-health if, but only if, he satisfies the Trustees that as a direct consequence of his ill-health he did not seek re-election to the Assembly after the dissolution; and

(b) a person who has, while not a member, ceased to hold a qualifying office because of the result of a general election consequent upon the dissolution of the Assembly shall be treated as having so ceased as a direct consequence of his ill-health if, but only if, he satisfies the Trustees that on the day of the poll in that election his ill-health was such as would prevent him from performing adequately the duties of a member.

Ill-health pensions based on service as an office-holder

11B.—(1) A person who because of ill-health—

(a) has after 1st April 1984 ceased to be a member before attaining the age of sixty-five years; or

(b) has, after 1st April 1984 and while not a member, ceased to hold a qualifying office before attaining that age,

may apply to the Trustees for an early pension under Article 10 if at the time when he so ceased ("the material time") he would have become entitled to receive a pension under that Article but for his not having attained the age of sixty-five years.

(2) If on an application under paragraph (1) the Trustees are satisfied as mentioned in sub-paragraph *(a)* (so far as applicable) and sub-paragraphs *(b)* and *(c)* of Article 11A(2), the applicant shall be entitled to receive a pension under Article 10 as from the material time.

(3) Paragraph (3) of Article 11A shall apply in relation to paragraphs (1) and (2) as it applies in relation to paragraphs (1) and (2) of that Article, the reference to a pension under Article 9 being for this purpose read as a reference to a pension under Article 10.

(4) The annual amount of a pension payable under Article 10 by virtue of this Article shall (subject to Article 12) be calculated in accordance with Article 11(1) to (3).

(5) Article 11A(7) shall apply for the purposes of this Article.

Ill-health pensions for those no longer members or office-holders

11C.—(1) A person who because of ill-health has, after 1st April 1984 and while neither a member nor a candidate for election to the Assembly nor the holder of a qualifying office, retired from gainful work before attaining the age of sixty-five years may apply to the Trustees for an early pension under Article 9 or Article 10 if at the time when he so retired he would have become entitled to receive a pension under that Article but for his not having attained the age of sixty-five years.

(2) If on an application under this Article the Trustees are satisfied—

(a) that the applicant does not intend to seek election to the Assembly or to accept any future offer of a qualifying office;

(b) that his retirement from gainful work was a direct consequence of his ill-health; and

(c) that his ill-health is such as would prevent him from performing adequately the duties of a member,

the applicant shall, as from the date on which the Trustees are so satisfied, be entitled to receive a pension under Article 9 or Article 10 or both those Articles as the case may be.

(3) Where an application is made under this Article, the Trustees shall by notice in writing inform the applicant whether they are satisfied as mentioned in paragraph (2) and, if they are so satisfied, shall state the date as from which the pension or pensions payable to him by virtue of this Article is or are payable in accordance with that paragraph.

(4) In this Article "gainful work" means work under a contract of employment, or as the holder of an office, or as a self-employed person engaged in a business or profession, being in any case work from which the person concerned gains the whole or a substantial part of his income.

Medical evidence for the purposes of Articles 11A to 11C

11D.—(1) Every application under Article 11A, 11B or 11C must be accompanied by medical evidence of the applicant's state of health.

(2) In the case of any such application, the Trustees may require the applicant to undergo a medical examination by a medical practitioner nominated by them for the purpose; and the fees for any such examination shall be borne by the Trustees or applicant, as the Trustees may determine.".

(2) Article 9(4) and (5) of the principal Order shall cease to have effect.

Pensions for widows

9. In Article 14(1) of the principal Order for sub-paragraphs *(a)* and *(b)* there shall be substituted—

"*(a)* was entitled to receive a pension under Article 9 or Article 10 or under both those Articles, or

(b) was not so entitled, but either—

(i) had been a member and had an aggregate period of reckonable service (whether as a member or otherwise) of not less than four years, or

(ii) had been a participant under Article 4 in respect of one or more periods of tenure of a qualifying office and had an aggregate period of reckonable service (whether as a member or otherwise) of not less than 3 years.".

Pensions for certain widowers

10.—(1) In Article 15 of the principal Order for sub-paragraphs *(a)* and *(b)* of paragraph (1) there shall be substituted—

"*(a)* she was entitled to receive a pension under Article 9 or Article 10 or under both those Articles, or

(b) she was not so entitled, but either—

(i) had been a member and had an aggregate period of reckonable service (either as a member or otherwise) of not less than four years, or

(ii) had been a participant under Article 4 in respect of one or more periods of tenure of a qualifying office and had an aggregate period of reckonable service (whether as a member or otherwise) of not less than 3 years.".

(2) After paragraph (1) of that Article there shall be inserted the following paragraph:—

"(1A) Subject to the provisions of this Article, the widower of a woman who was a member at any time after 1st April 1984 shall, if at the time of her death she fulfilled any of the conditions specified in sub-paragraphs *(a)* and *(b)* of paragraph (1) (as it applies in her case), be entitled to receive a pension under this Article—

(a) as from the day following the date of her death if at the time of her death he had attained the age of sixty-five years or was incapable by reason of bodily or mental infirmity of earning his own living; or

(b) where the preceding sub-paragraph does not apply, as from the time when he attains the age of sixty-five years or, before attaining that age, becomes incapable as mentioned in that sub-paragraph;

and paragraph (1) shall not apply in the case of a widower to whom this paragraph applies.".

(3) After paragraph (3) of that Article there shall be inserted the following paragraph:—

"(3A) A pension payable under this Article by virtue of paragraph (1A) shall, subject to the following provisions of this Article, continue for the life of the widower, but may be terminated by direction of the Trustees in the event—

(a) of his remarriage; or

(b) of his ceasing, before attaining the age of sixty-five years, to be incapable as mentioned in paragraph (1A);

but where his pension has been terminated under sub-paragraph *(b)* that fact shall not affect his entitlement to the pension as from the time when he attains the age of sixty-five years.".

(4) In that Article—

(a) in paragraph (1) for the word "section" there shall be substituted the word "Article";

(b) in paragraph (3) for the words "under this Article" there shall be substituted the words "payable under this Article by virtue of paragraph (1)";

(c) in paragraph (4) after the words "paragraph (3)" there shall be inserted the words "or (3A)" and after the words "paragraph (1)" there shall be inserted the words "or (1A)".

Children's pensions

11.—(1) In Article 16 of the principal Order in paragraph (2) the words "Subject to the next following paragraph" shall cease to have effect and for the words "one-eighth" and "four" there shall be substituted the words "one-quarter" and "two" respectively.

(2) In that Article paragraph (3) and in paragraph (4) the words from "and if the Trustees" to the end shall cease to have effect.

(3) In that Article in paragraph (6) for the word "sixteen" there shall be substituted the word "seventeen".

Widows', widowers' and children's pensions

12. After Article 16 of the principal Order there shall be inserted the following Articles:—

"Special increases of pensions under Articles 14, 15 and 16

16A.—(1) Where the widow of a man who—

(a) has been a member at any time since 1st April 1984; and

(b) was at the time of his death entitled to receive a pension under Article 9,

is entitled to receive a pension under Article 14, paragraphs (2) and (3) shall apply.

(2) If, for any part of the three-month period, the aggregate of the following amounts, namely—

(a) the amount payable to her by way of pension under Article 14 apart from this paragraph; and

(b) any amount which (by direction of the Trustees under Article 16(5)) is payable to her by way of pension under Article 16 for the benefit of any relevant child or children of the deceased,

is less than the amount mentioned in paragraph (3), then for that part of that period the amount payable to her by way of pension under the said Article 14 shall be increased by the difference.

(3) The said amount is the amount or aggregate amount which, if the deceased had lived, would have been payable to him for the part of the three-month period in question by way of pension under one or both of Articles 9 and 10.

(4) Where a man has died after 1st April 1984 and, at the time of his death, he—

(a) was a member; and

(b) was not entitled to receive a pension under Article 9 but had an aggregate period of reckonable service (whether as a member or otherwise) of not less than four years,

paragraphs (5) to (7) (so far as applicable) shall apply if his widow is entitled to receive a pension under Article 14 or if a children's pension under Article 16 is payable for the benefit of any relevant child or children of his.

(5) If the deceased died before attaining the age of sixty-five years, the annual amount of any pension payable to his widow under Article 14 or for the benefit of any relevant child or children of his under Article 16 shall be calculated as if he had immediately before his death ceased to be a member because of ill-health and had by virtue of Article 11A been entitled to receive a pension under Article 9 as from the time when he so ceased.

(6) If, for any part of the three-month period, the aggregate of the following amounts, namely—

(a) the amount payable to the deceased's widow by way of pension under Article 14 apart from this paragraph; and

(b) any amount which (by direction of the Trustees under Article 16(5)) is payable to her by way of pension under Article 16 for the benefit of any relevant child or children of the deceased,

is less than the amount mentioned in paragraph (7), then for that part of that period the amount payable to her by way of pension under the said Article 14 shall be increased by the difference.

(7) The said amount is the amount which, if—

(a) the deceased had lived and had at the material time become entitled to a pension under Article 9; and

(b) the annual amount of that pension had been a sum equal to a member's salary at the rate in force at the material time,

would have been payable to him for the part of the three-month period in question by way of that pension.

In this paragraph "the material time" means the time when the deceased in fact died.

(8) The preceding provisions of this Article are without prejudice to paragraphs (3) to (5) of Article 14.

(9) The preceding provisions of this Article shall apply in relation to a woman who has died after 1st April 1984 and her widower as they apply in relation to a man who has so died and his widow, subject to the modifications that any reference to Article 14 shall be read as a reference to Article 15, the reference to paragraphs (3) to (5) of Article 14 shall be read as a reference to the following provisions namely Article 15(3) to (4) and Article 14(4) and (5) as applied by Article 15(5) and paragraphs (2) and (6) shall not apply where the widower is entitled to a pension by virtue of Article 15(1A)*(b)*.

(10) In this Article—

"relevant child" has the same meaning as in Article 16;

"the three-month period", in relation to a person who has died, means the period of three months beginning with the day following the date of his death.

Short term pensions for widows, widowers and children

16B.—(1) Where a person has died after 1st April 1984 and, at the time of his death, he—

(a) was a member; and

(b) had an aggregate period of reckonable service (whether as a member or otherwise) of less than four years; and

(c) was not entitled to receive a pension under Article 9,

the following provisions of this Article (so far as applicable) shall apply.

(2) Subject to paragraphs (6) to (8), if the deceased was a man and left a widow, she shall be entitled to receive a pension under this paragraph for the relevant period beginning with the day following the date of the deceased's death, that is to say—

(a) if there is no relevant child of the deceased, three months;

(b) if there is only one relevant child of the deceased, four months and fifteen days;

(c) if there are two or more relevant children of the deceased, six months;

and a pension under this paragraph shall be payable at a rate equal to what was the rate of a member's salary at the time of the deceased's death.

(3) If the deceased was a woman and left a widower who, at the time of her death, was incapable by reason of bodily or mental infirmity of earning

his own living or had attained the age of sixty-five years, paragraph (2) shall apply in relation to the deceased and her widower as it applies in relation to a man who has died and his widow.

(4) Subject to paragraphs (5) and (9) (and whether the deceased was a man or a woman), a pension under this paragraph shall be payable for the benefit of any relevant child or children of the deceased for the relevant period beginning with the day following the date of the deceased's death, that is to say—

(a) if there is only one relevant child, two months;

(b) if there are two or more relevant children, four months,

and a pension under this paragraph shall be payable at a rate equal to what was the rate of a member's salary at the time of the deceased's death.

(5) So much of any pension under paragraph (4) as would otherwise (by direction of the Trustees under Article 16(5) as applied by paragraph (9)) be payable to the widow or widower of the deceased for the benefit of any relevant child or children of the deceased shall not be payable for any period for which a pension under paragraph (2) is payable.

(6) A pension payable under paragraph (2) to a widow shall cease to be payable if she remarries, unless the Trustees direct otherwise; and the Trustees may, if they think fit, so direct, if satisfied that there are exceptional reasons for continuing to pay the pension notwithstanding her remarriage.

(7) A pension payable under paragraph (2) to a widower—

(a) may be terminated by direction of the Trustees in the event of his remarriage or of his ceasing to be incapable as mentioned in paragraph (3); and

(b) if so terminated, may be restored by direction of the Trustees if the pensioner again becomes incapable as mentioned in paragraph (3), or if the Trustees are satisfied that for exceptional reasons it is proper to restore the pension.

(8) Paragraphs (4) and (5) of Article 14 shall apply for the purposes of paragraph (2) with the necessary modifications, references to that Article or to a widow's pension being for this purpose read as referring to paragraph (2) or, as the case may be, to a pension thereunder.

(9) Paragraphs (4) and (5) of Article 16 shall apply in relation to a pension under paragraph (4) as they apply in relation to a pension under that Article subject, in the case of paragraph (4) of Article 16, to the modifications that—

(a) the reference to a pension under Article 14 or 15 shall be read as a reference to a pension under paragraph (2);

(b) the references to the provision as to cohabitation shall be read as references to Article 14(4) as applied by paragraph (8).

(10) In this Article "relevant child" has the same meaning as in Article 16.".

Gratuity on death of member or office-holder

13.—(1) In Article 17 of the principal Order in paragraph (1)—

(a) for the words "had elected to be" there shall be substituted the words "had been";

(b) the words in brackets and the words "to his personal representatives" shall cease to have effect;

(c) at the end there shall be added the words "in respect of him".

(2) After paragraph (1) of that Article there shall be inserted the following paragraphs:—

"(1A) A gratuity granted under this Article in respect of a person shall be granted—

(a) to the person nominated in any nomination made by him for the purposes of this Article which was in force at the time of his death; or

(b) if no such nomination was in force at that time, to his personal representatives.

(1B) Only the wife or husband of a person ("the nominator") making a nomination for the purposes of this Article may be nominated in it, and any such nomination—

(a) must be made by notice in writing given to the Trustees;

(b) may be revoked by a subsequent notice in writing so given by the nominator; and

(c) shall cease to have effect if in the lifetime of the nominator the person nominated ceases to be the nominator's wife or husband, as the case may be.".

(3) Paragraph (2) of that Article shall cease to have effect.

Refund of contributions

14.—(1) In Article 19(2) of the principal Order—

(a) in sub-paragraph *(a)* for the words "has elected to be" there shall be substituted the word "is";

(b) in sub-paragraph *(b)* for the words "elects to be" there shall be substituted the word "is";

(c) in sub-paragraph *(c)* at the end add the words "or in the case of contributions paid under Article 6, less than three years".

(2) In Article 20*(a)* of the principal Order for the words "had elected to be" there shall be substituted the words "had been".

Transfers to and from other pension schemes

15.—(1) In Article 22 of the principal Order in paragraph (1) for sub-paragraph *(b)* there shall be substituted—

"*(b)* is a participant under Article 4 in respect of a period of tenure of a qualifying office but has ceased to be the holder of a qualifying office,".

(2) In that Article in paragraph (2)—

(a) in sub-paragraph *(a)*, after the words "any scheme" there shall be inserted the words "(other than an overseas fund or scheme)";

(b) in sub-paragraph *(b)*, after the words "any fund or scheme" there shall be inserted the words "(other than an overseas fund or scheme)"; and

(c) at the end of sub-paragraph *(b)* there shall be added the words:—

"(c) and to any overseas fund or scheme which is recognised by the

Trustees and approved by the Commissioners of Inland Revenue and the Occupational Pensions Board for the purposes of this Article.

In this Article 'overseas fund or scheme' means a fund or scheme which is established outside the United Kingdom or wholly or primarily administered outside the United Kingdom.".

(3) In Article 23 of the principal Order in paragraph (1) for the words "has elected to be" there shall be substituted the word "is".

(4) In paragraph (2) of that Article for the words from "before the end of the period" to the end there shall be substituted the words—

"before the end of the period of twelve months beginning with any of the following dates which are applicable to him—

(a) 1st April 1984, if on that date he is a member or a participant under Article 4;

(b) any date thereafter on which he becomes a member or a participant under Article 4, whether for the first time or after ceasing to be a member or participant;

but for this purpose a member shall be treated as not ceasing to be a member on a dissolution of the Assembly if he is again a member at the beginning of the next Assembly.".

(5) In that Article paragraph (6)*(a)* shall cease to have effect.

(6) At the end of that Article there shall be added the following paragraphs:—

"(7) At the request of any person—

(a) in respect of whom any sum has been paid under Article 22 into or for the purposes of an overseas fund or scheme (within the meaning of paragraph (2) of that Article); and

(b) who is not at the time the request is made a member or a participant under Article 4,

the Trustees may receive a sum, out of, or out of moneys held for the purposes of, that fund or scheme, equal to the sum paid under Article 22 together with interest thereon from the date of that payment at such rate as may be agreed by the Trustees.

(8) The following provisions of this Order shall not apply in relation to any person in respect of whom a sum is received by the Trustees under paragraph (7), namely—

(a) sub-paragraph *(c)* of Article 9(1) (including that sub-paragraph as applied by Article 10(1)), and

(b) Article 22(4)*(a)*.".

Miscellaneous amendments of the principal Order

16.—(1) In Article 2 of the principal Order—

(a) in paragraph (2) in the definition of "interest" after the words "three per cent. per annum" there shall be inserted the words "in respect of any period falling before 1st April 1984 and at the rate of four per cent. per annum in respect of any later period, and, in either case, the interest shall be";

(b) in paragraph (3) for the words "Article 9(1), Article 9(4) or Article 10 or under two or more of those provisions means" there shall be substituted the words "Article 9 or Article 10 or under both those Articles, means, subject to paragraph (4)," the words from "but had at the time" to "four years" shall cease to have effect and in sub-paragraph *(b)* for the words "had elected to be" there shall be substituted the words "had been" and for the words "mentioned in the preceding sub-paragraph" there shall be substituted the words "specified in sub-paragraphs *(a)* to *(d)* of Article 9(1), sub-paragraph *(c)* of the said Article 9(1) being for this purpose read as provided in Article 10(1)";

(c) after paragraph (3) there shall be added the following paragraph:—

"(4) Where, in the case of a person who has died and who at the time of his death was entitled to receive a pension under Article 9 or Article 10, the annual amount of that pension resulted from one or more reductions made under Article 9(3), 11(4) or 12(2) no such reduction shall be made in calculating the annual amount of that pension for the purposes of paragraph (3).".

(2) In Article 12(1) and (5) of the principal Order for the words "Article 9(1)" there shall be substituted the words "Article 9".

(3) In Articles 13(1) and 18(1) and (2) of the principal Order for the words "Article 9(1), Article 9(4)" there shall be substituted the words "Article 9".

Provisions to enable principal Order to become contracted-out scheme

17. The provisions of Schedule 3 shall have effect, notwithstanding any inconsistency between those provisions and any provisions of the principal Order, to enable the principal Order to become a contracted-out pension scheme for the purposes of the Social Security Pensions (Northern Ireland) Order 1975 (**a**).

N. E. Leigh,
Clerk of the Privy Council.

(**a**) S.I. 1975/1503 (N.I.15).

Article 5(4).

SCHEDULE 1

NEW SCHEDULE 3 TO THE PRINCIPAL ORDER

"SCHEDULE 3

PURCHASE OF ADDED YEARS

Interpretation

1. For the purpose of this Schedule—

(a) "actual reckonable service" means the aggregate period of reckonable service as a member excluding any additional period determined under Article 23 and excluding any added years;

(b) "added year" means a period of reckonable service as a member purchased under the provisions of this Schedule including a part of a year expressed in days;

(c) "periodical contributions" means the sums payable by a member whose application to purchase added years otherwise than by a single payment has been accepted by the Trustees;

(d) "relevant terminal salary" has the same meaning as in Article 9;

(e) "retained benefits" means benefits accrued or accruing to a member other than under this Order being benefits within the classes taken into account by the Commissioners of Inland Revenue in determining maximum benefits for the purposes of their approval of retirement benefit schemes under Chapter II of Part II of the Finance Act 1970 (a);

(f) "retained lump sum benefits" means retained benefits which are payable as single payments whether by way of commutation of accrued pension rights, refund of contributions or otherwise.

Purchase of added years by periodical contributions

2.—(1) A member may apply in writing to the Trustees to purchase added years by periodical contributions payable until he attains the age of sixty-five years and the Trustees shall accept his application if all the following conditions in respect of that application are satisfied:—

(a) at the date when the Trustees receive the application there will be an interval between the member's birthday next following and the member's sixty-fifth birthday of not less than three years;

(b) at the date when the Trustees receive the application the member's prospective actual reckonable service up to the date when he attains the age of sixty-five years is not less than six years;

(c) the member has satisfied the Trustees, in whatever manner the Trustees shall require, that he is in good health;

(d) the number of added years which the member has applied to purchase does not exceed the maximum permitted by paragraph 8; and

(e) the member has supplied to the Trustees such information and evidence as they may require and has indicated whether his application is made under the provisions of this sub-paragraph or sub-paragraph (2) of this paragraph.

(2) A member may, within the period of twelve months from 1st April 1984 or within the period of twelve months immediately following the date when he commenced a period of service as a member, whichever is the later, or in either case within such longer period as the Trustees may in special circumstances and at their discretion allow, apply in writing to the Trustees to purchase added years by the payment of periodical contributions for a period of four or five years and the Trustees shall accept his application if, at the date when the Trustees receive the application, the member has not reached the age of sixty-five years and if the conditions of sub-paragraph (1)*(b), (c), (d)* and *(e)* are satisfied in respect of that application.

(a) 1970 c.24.

Applications to be irrevocable

3. An application by a member to purchase added years shall be irrevocable on and from the date when the Trustees accept his application.

Payment of periodical contributions

4. Where an application by a member to purchase added years by periodical contributions is accepted by the Trustees:—

(a) contributions shall, subject to the provisions of paragraph 5, be payable to the Fund—

(i) in the case of an application under paragraph 2(1), from the date of the member's birthday next following the receipt by the Trustees of his application and until the member attains the age of sixty-five years; and

(ii) in the case of an application under paragraph 2(2), for whichever of the periods of four or five years the member has chosen for the payment of periodical contributions, beginning on such date not later than two months from the date of acceptance of the application as the Trustees shall specify by notice in writing to the member;

(b) contributions by a member shall be payable by deductions from his salary or, in the case of arrears, in such manner as the Trustees shall require; and

(c) the contributions payable by a member for the added years shall be calculated in accordance with the appropriate Table contained in Part 1 of Schedule 4.

Interrupted service

5.—(1) If a member dies or ceases to be a member because of ill-health in circumstances to which Article 11A applies and he:—

(a) has applied to purchase added years by periodical contributions; and

(b) has been notified in writing by the Trustees that his application has been accepted,

no further contributions will be payable from the day following the date of his death or from the day following the date he ceases to be a member, as the case may be, and any added years that he has applied to purchase by periodical contributions shall be credited in full as reckonable service.

(2) If a member who has applied to purchase added years by periodical contributions and whose application has been accepted by the Trustees ceases to be a member in circumstances to which Article 11A does not apply, no contributions will be payable by him from the day following the date when he so ceases, but his reckonable service in respect of each application will be increased by $\frac{A \times B}{C}$ where:

A is the number of added years he applied to purchase by periodical contributions;

B is the period (expressed to the nearest day) during which periodical contributions have been paid;

C is the total period during which periodical contributions would have been payable in accordance with paragraph 4*(a)*.

(3) If a member to whom sub-paragraph (2) has applied subsequently commences a further period of service as a member before he has attained the age of sixty-five years, in circumstances in which the periods together constitute an aggregate period of reckonable service as a member, then subject to sub-paragraphs (4) and (6) he may give notice to the Trustees in writing within the period of three months beginning with the date upon which he commenced the further period of service that he intends to resume payment of his periodical contributions in respect of the added years for which he was making periodical contributions in his immediately preceding period of service and such contributions shall then be payable from the date when he commenced the further period of service as a member, and shall continue until he attains the age of sixty-five years at the rate or rates applicable during that immediately preceding period.

(4) Where a member who ceased to pay periodical contributions by reason only of his ceasing to serve as a member for a period but subsequently became a member again and resumed the purchase of added years by periodical contributions in accordance with sub-paragraph (3) thereafter becomes entitled to a pension under Article 9, his reckonable service as a member shall be increased in accordance with sub-paragraph (2) except that C shall be read as the total period during which he would have paid contributions for those added years if his service as a member had been continuous.

(5) If a member to whom sub-paragraph (2) has applied, subsequently commences a further period of service as a member before he has attained the age of sixty-five years, in circumstances in which the periods together constitute an aggregate period of reckonable service as a member, then subject to sub-paragraphs (4) and (6), he may, if, in consequence of his break in service as a member, there has been a reduction in the number of added years which he is able to purchase in full, with the agreement of the Trustees, and subject to the provisions of paragraph 2(1)*(b)* and 8(1), apply to purchase by periodical contributions payable until he attains the age of sixty-five years some or all of the number of added years comprised in that reduction at the rate applicable to the member's birthday next following the receipt by the Trustees of his application.

(6) Sub-paragraphs (3), (4) and (5) shall not apply where the application to purchase added years before the member ceased to be a member, was made under paragraph 2(2).

Purchase of added years by lump sum

6.—(1) Subject to the provisions of sub-paragraph (2), a member may apply in writing to the Trustees to purchase added years by a lump sum payment.

(2) The Trustees shall accept an application to purchase added years under this paragraph if all the following conditions in respect of that application are satisfied:—

(a) at the date when the Trustees receive the application the member's prospective actual reckonable service up to the date when he attains the age of sixty-five years is not less than six years;

(b) the member has not reached the age of sixty-five years;

(c) the member applies to the Trustees within the period of twelve months immediately following 1st April 1984 or within the period of twelve months immediately following the date when he commenced a period of service as a member whichever is the later or within such longer period as the Trustees may in special circumstances and at their discretion allow;

(d) the member has not applied to the Trustees under the provisions of Article 11A for an early pension because of ill-health;

(e) the number of added years which the member applies to purchase does not exceed the maximum permitted by paragraph 8; and

(f) the member has supplied to the Trustees such information and evidence as they may require.

(3) A member who has applied to purchase added years under the provisions of paragraph 2(2) and to whom paragraph 5(2) applies may, in respect of any such application, if—

(a) in consequence of his ceasing to be a member there has been a reduction in the number of added years which he is able to purchase in full,

(b) the conditions of sub-paragraph (2)*(d)*, *(e)* and *(f)* are satisfied in respect of the application made under this sub-paragraph, and

(c) the application under this sub-paragraph is made within three months of his ceasing to be a member,

apply in writing to the Trustees to purchase by a lump sum payment some or all of the number of added years comprised in that reduction at the rate applicable at the member's birthday next following the receipt by the Trustees of the application.

Lump sum payments

7.—(1) Any member who has applied to the Trustees to purchase added years by a lump sum payment shall, within the period of six months commencing on the date when his application is accepted by the Trustees, make the lump sum payment to the Fund which shall be calculated by reference to a member's salary at the time when his application was received by the Trustees and in accordance with Part 2 of Schedule 4 and the amount of his reckonable service as a member shall be increased accordingly with effect from the date that the lump sum payment is received by the Trustees.

(2) If, after an application to purchase added years by lump sum payment has been made by a member and accepted by the Trustees, the payment is not received by the Trustees within the period of six months commencing on the date when his application is accepted by the Trustees, the application to purchase shall cease to be valid.

Limits on purchase of added years

8.—(1) Subject to sub-paragraph (2), the annual amount of a member's periodical contributions, when aggregated with the annual amount of the member's contributions under Article 5, shall not exceed 15 per cent. of a member's salary.

(2) The foregoing sub-paragraph shall not apply to the purchase of added years by periodical contributions payable for a period of four years in accordance with paragraphs 2(2) and 4*(a)*(ii) and for the purpose of the calculation referred to in the foregoing sub-paragraph such contributions shall be disregarded.

(3) Subject to sub-paragraph (1), the maximum added years that a member may purchase both by lump sum payment and by periodical contributions shall be calculated, as appropriate, by reference to the member's prospective actual reckonable service until he attains the age of sixty-five years and to the level of his retained benefits.

(4) The maximum added years that a member with no retained benefits may purchase shall subject to sub-paragraph (5) be as specified below:

(A)	(B)
Prospective actual reckonable service to the member's 65th birthday	Maximum added years
More than 10 years	40 (minus whatever figure appears in column A)
10 years	30
9 years	23
8 years	16
7 years	9
6 years	2
Less than 6 years	Nil

Where the period of prospective actual reckonable service includes part of a year, the maximum added years appropriate to that period expressed in years and days shall be calculated proportionately by reference to the figures in column (B).

(5) Where a member applies to the Trustees to purchase added years under paragraph 6(3) and he has at the date of receipt by the Trustees of his application attained the age of sixty-five years, column (A) of the table in sub-paragraph (4) shall apply as if it referred to the period of the member's actual reckonable service calculated to the date when he attained the age of sixty-five years. Where that period of actual reckonable service includes part of a year, the maximum added years appropriate to that period expressed in years and days shall be calculated proportionately by reference to the figures in column (B).

(6) The maximum added years that a member with retained benefits may purchase shall not exceed the limits specified in sub-paragraphs (4) and (5) and shall not be such that the total pension under Article 9 when aggregated with the retained benefits, will exceed 40/60ths of the relevant terminal salary of the member.

Commutation of pension purchases by added years

9.—(1) A member who has no retained benefits but who has purchased added years may, if he becomes entitled to a pension under Article 9 commute part of his pension under Article 12 and the lump sum which shall be determined by the Trustees in respect of added years that he has purchased shall be calculated at the rate of three additional 80ths of his relevant terminal salary for each complete year and proportionately for any part of a year, subject to a maximum as prescribed in column (B) of the following table:

(A)	(B)
Actual reckonable service	Maximum additional 80ths
More than 20 years	120 (less X where X is the actual reckonable service in complete years multiplied by 3)
20 years	60
19 years	51
18 years	45
17 years	39
16 years	33
15 years	27
14 years	21
13 years	15
12 years	12
11 years	9
10 years	6
9 years	3

Where the period of actual reckonable service includes part of a year the maximum additional 80ths appropriate to that period expressed in years and days shall be calculated proportionately by reference to the figures in column (B).

If the actual reckonable service as a member is less than nine years he shall not be entitled to commute any part of his pension which is derived from a purchase of added years.

(2) A member who has retained lump sum benefits and who has purchased added years may, if he becomes entitled to a pension under Article 9, apply to the Trustees to commute part of his pension under Article 12 subject to the maximum specified in sub-paragraph (1) and provided also that the total lump sum paid to the member when aggregated with the retained lump sum benefits, shall not exceed in total 120/80ths of the relevant terminal salary of the member.

Further applications to purchase added years

10. Subject to the provisions of this Schedule, the Trustees may accept more than one application from a member to purchase added years by the payment of periodical contributions or lump sum payments.".

SCHEDULE 2 Article 5(4).

NEW SCHEDULE 4 TO THE PRINCIPAL ORDER

"SCHEDULE 4

CONTRIBUTIONS FOR ADDED YEARS

PART 1—PERIODICAL CONTRIBUTIONS

Tables for the calculation of the cost of purchasing added years by periodical contributions. The contribution due is that percentage of a member's salary determined as the appropriate percentage shown in the table opposite the member's age on his birthday next following the receipt by the Trustees of his application multiplied by the number, in years and fractions of years, of added years being bought.

TABLE A

(for the calculation of the cost of purchasing added years by periodical contributions payable until the member's 65th birthday pursuant to an application under Schedule 3, paragraph 2(1) or 5(5))

Age Next Birthday	MALES %	FEMALES %	Age Next Birthday	MALES %	FEMALES %
27	0.51	0.48	45	1.09	1.04
28	0.52	0.49	46	1.16	1.11
29	0.53	0.51	47	1.24	1.19
			48	1.32	1.27
30	0.55	0.53	49	1.41	1.36
31	0.57	0.55			
32	0.59	0.57	50	1.51	1.46
33	0.61	0.59	51	1.62	1.57
34	0.63	0.61	52	1.75	1.69
			53	1.90	1.84
35	0.66	0.64	54	2.08	2.02
36	0.69	0.67			
37	0.72	0.70	55	2.30	2.25
38	0.75	0.73	56	2.56	2.54
39	0.79	0.76	57	2.89	2.91
			58	3.34	3.39
40	0.83	0.79	59	3.92	3.98
41	0.87	0.83			
42	0.92	0.88	60	4.70	4.75
43	0.97	0.93	61	5.94	6.05
44	1.03	0.98	62	8.03	8.24

TABLE B

(for the calculation of the cost of purchasing added years by periodical contributions payable for a period of 4 years pursuant to an application under Schedule 3, paragraph 2(2))

Age Next Birthday	MALES %	FEMALES %	Age Next Birthday	MALES %	FEMALES %
27	3.96	3.75	55	5.29	5.21
28	3.98	3.78	56	5.35	5.33
29	4.00	3.82	57	5.43	5.46
			58	5.53	5.60
30	4.03	3.86	59	5.65	5.75
31	4.06	3.90			
32	4.09	3.94	60	5.79	5.90
33	4.12	3.98	61	5.94	6.05
34	4.16	4.02	62	6.09	6.21
			63	6.23	6.36
35	4.20	4.06	64	6.12	6.24
36	4.25	4.10			
37	4.30	4.14	65	6.00	6.12
38	4.35	4.18	66	5.88	5.99
39	4.40	4.22	67	5.76	5.84
			68	5.63	5.67
40	4.45	4.26	69	5.49	5.48
41	4.50	4.31			
42	4.56	4.36	70	5.34	5.27
43	4.62	4.41	71	5.18	5.06
44	4.68	4.47	72	5.00	4.85
			73	4.80	4.65
45	4.75	4.53	74	4.59	4.45
46	4.82	4.59			
47	4.88	4.65	75	4.39	4.25
48	4.93	4.71	76	4.20	4.06
49	4.98	4.77	77	4.02	3.88
			78	3.85	3.71
50	5.03	4.83	79	3.69	3.54
51	5.08	4.89			
52	5.13	4.96	80	3.55	3.38
53	5.18	5.03			
54	5.23	5.11			

TABLE C

(for the calculation of the cost of purchasing added years by periodical contributions payable for a period of 5 years pursuant to an application under Schedule 3, paragraph 2(2))

Age Next Birthday	MALES %	FEMALES %	Age Next Birthday	MALES %	FEMALES %
27	3.20	3.03	55	4.26	4.22
28	3.22	3.05	56	4.31	4.30
29	3.24	3.08	57	4.38	4.39
			58	4.47	4.49
30	3.26	3.11	59	4.58	4.61
31	3.28	3.14			
32	3.30	3.17	60	4.70	4.75
33	3.33	3.20	61	4.84	4.90
34	3.36	3.23	62	4.96	5.03
			63	5.06	5.14
35	3.40	3.26	64	4.97	5.04
36	3.44	3.29			
37	3.48	3.32	65	4.88	4.95
38	3.52	3.35	66	4.79	4.85
39	3.56	3.39	67	4.69	4.73
			68	4.59	4.59
40	3.60	3.43	69	4.49	4.44
41	3.65	3.48			
42	3.69	3.53	70	4.38	4.28
43	3.73	3.58	71	4.26	4.11
44	3.78	3.63	72	4.12	3.94
			73	3.96	3.78
45	3.83	3.68	74	3.79	3.63
46	3.88	3.73			
47	3.93	3.78	75	3.63	3.48
48	3.98	3.83	76	3.48	3.33
49	4.02	3.88	77	3.34	3.19
			78	3.21	3.05
50	4.06	3.93	79	3.09	2.92
51	4.10	3.98			
52	4.14	4.03	80	2.98	2.79
53	4.18	4.09			
54	4.22	4.15			

PART 2—LUMP SUM

Table for the calculation of the single payment required to purchase added years. The payment due, calculated as at the date of the receipt by the Trustees of the application, per £100 of a member's salary, is the appropriate figure shown in the table opposite the member's age on his birthday next following, multiplied by the number, in years and fractions of years, of added years being bought

Age Next Birthday	MALES %	FEMALES %	Age Next Birthday	MALES %	FEMALES %
27	15.1	14.3	55	20.2	19.9
28	15.2	14.4	56	20.4	20.3
29	15.3	14.6	57	20.7	20.8
			58	21.1	21.4
30	15.4	14.7	59	21.6	22.1
31	15.5	14.9			
32	15.6	15.0	60	22.1	22.8
33	15.7	15.2	61	22.7	23.4
34	15.9	15.3	62	23.2	24.1
			63	23.6	24.6
35	16.1	15.5	64	23.1	24.1
36	16.2	15.6			
37	16.4	15.8	65	22.6	23.6
38	16.6	15.9	66	22.1	23.0
39	16.8	16.1	67	21.6	22.3
			68	21.1	21.6
40	17.0	16.2	69	20.5	20.9
41	17.2	16.4			
42	17.4	16.6	70	19.8	20.1
43	17.6	16.8	71	19.0	19.3
44	17.9	17.1	72	18.2	18.4
			73	17.4	17.6
45	18.2	17.4	74	16.6	16.8
46	18.4	17.7			
47	18.6	17.9	75	15.8	15.9
48	18.8	18.1	76	15.1	15.1
49	19.0	18.3	77	14.3	14.3
			78	13.6	13.6
50	19.2	18.5	79	12.9	12.9
51	19.4	18.7			
52	19.6	19.0	80	12.2	12.2".
53	19.8	19.3			
54	20.0	19.6			

SCHEDULE 3

Article 17.

PROVISIONS TO ENABLE PRINCIPAL ORDER TO BECOME CONTRACTED-OUT PENSION SCHEME

1. In this Schedule—

"the Order of 1975" means the Social Security Pensions (Northern Ireland) Order 1975;

"contracted-out scheme" means an occupational pensions fund or scheme which is for the time being specified in a contracting-out certificate issued by the Occupational Pensions Board under regulations made in accordance with Article 33 of the Order of 1975;

"contributions equivalent premium" has the same meaning as in Article 44(1) of the Order of 1975;

"guaranteed minimum" has the same meaning as in Article 37 and Article 38(3) of the Order of 1975;

"guaranteed minimum pension" has the same meaning as in Article 28(2) of the Order of 1975;

"qualifying service" means service, including reckonable service, which may be taken into account in determining eligibility for benefits under the principal Order;

"requisite benefit requirements" means the requisite benefits as defined in Article 28(2) of the Order of 1975 with the annual rate of the earner's pension being determined in accordance with Article 36(2)*(b)* and 38(2)*(b)* of the Order of 1975;

"tax year" means a year beginning on the 6th April in a year and ending on the following 5th April.

2. In any case where the rate of pension to which a woman who has either—

(a) ceased to be a member is entitled under Article 9(3) of the principal Order; or

(b) ceased to hold a qualifying office is entitled under Article 11(4) of that Order,

is less than the minimum rate calculated in accordance with the requisite benefit requirements, the annual rate of pension to which she is entitled shall be increased to the minimum annual rate calculated in accordance with the requisite benefit requirements.

3. If any person to whom the principal Order applies is contracted-out under Part IV of the Order of 1975 by reference to the principal Order and has a guaranteed minimum under the principal Order as modified by this Schedule—

(a) that person shall be entitled to receive, subject to the provisions of Article 13(2) of the principal Order, from the age of sixty-five in the case of a man and from the age of sixty in the case of a woman a pension payable for the remainder of his or her life, at a rate equivalent to a weekly rate of not less than the guaranteed minimum unless his or her rights thereto are extinguished by payment of a contributions equivalent premium under Article 44 of the Order of 1975;

(b) a widow of that person shall upon his death, subject to the provisions of Article 14(3) and (4) of the principal Order as modified by this Schedule, be entitled to a pension for the remainder of her life at a rate equivalent to a weekly rate of not less than half the guaranteed minimum of that person;

(c) if the payment of the guaranteed minimum pension of that person is postponed in circumstances to which Article 35(3) of the Order of 1975 applies the guaranteed minimum pension of that person shall be increased to the extent, if any, specified in Article 37(6) of the Order of 1975.

4. The reference in Article 3(6) of the principal Order to the sums payable under that Order by the Trustees shall include a reference to payments by the Trustees of contributions equivalent premiums in respect of contributors in the Assembly Contributory Pension Fund.

5.—(1) Article 9(1)*(c)* of the principal Order shall not be a condition which is required to be fulfilled for entitlement to a pension under that Article by a member who in the case of a man ceases to be a member during, or on a date after the end of, the tax year in which he attains the age of sixty-five years or in the case of a woman, ceases to be a member during, or on a date after the end of, the tax year in which she attains the age of sixty years.

(2) Article 9(1)*(c)* of the principal Order shall not be a condition which is required to be fulfilled for entitlement to a pension under Article 10 of that Order by a person who ceases to be the holder of a qualifying office in the case of a man during, or on a date after the end of, the financial year in which he attains the age of sixty-five years or in the case of a woman, during or on a date after the end of the financial year in which she attains the age of sixty years.

(3) A person who fulfils the conditions specified in Article 19(2) of the principal Order shall not be entitled to request the Trustees to refund the contributions paid by him if that person is a person to whom either sub-paragraph (1) or (2) applies but that person shall be entitled to receive a pension in accordance with either Article 9 or Article 10 of the principal Order as modified by this Schedule, whichever shall be applicable.

6. In determining the amount of the lump sum under Article 12(2) of the principal Order the annual amount of pension shall not be reduced below the rate of the guaranteed minimum pension.

7. During any period specified in Article 38(6) of the Order of 1975 the widow of a man who has died on or after 6th April 1978 shall, notwithstanding the provisions of Article 14(3) and (4) of the principal Order, be entitled to the appropriate pension but if after she has attained the age of sixty years she remarries or lives with a man as his wife the pension may be restricted by the Trustees to the guaranteed minimum pension to which she is entitled.

8. If a man has died on or after 6th April 1978 in circumstances in which apart from the provisions of Article 14(5) of the principal Order, a widow's pension would be payable to a woman married by him, a widow's pension shall notwithstanding the provisions of that paragraph be payable to her but if—

(i) the man was married to her after the termination of his service in contracted-out employment in respect of which the widow's pension is payable; and

(ii) the date of the marriage was within the six months ending with his death; and

(iii) the rate of the widow's pension payable to her is in excess of the widow's guaranteed minimum pension,

the Trustees may direct that any part of the widow's pension which is in excess of the widow's guaranteed minimum pension shall not be payable.

9. The Trustees shall deduct from the amount of any contributions which may be paid to a person in accordance with the provisions of Article 19 of the principal Order the amount certified in accordance with Article 48(2) of the Order of 1975 in respect of that person.

10. A person to whom Article 22(1) of the principal Order applies shall not be deemed to have become entitled to a pension under that Order by reason only of an entitlement to a guaranteed minimum pension arising under paragraph 3.

11. Article 22 of the principal Order shall apply to a fund or scheme described in paragraph (2) of that Article provided that the fund or scheme described in sub-paragraph *(a)* or *(b)* of that paragraph is a contracted-out scheme or, in the case of a fund or scheme which is not a contracted-out scheme, provided that a contributions equivalent premium has been paid by the Trustees in respect of the person making the request under paragraph (1) of that Article.

12. For the purpose of calculating a person's aggregate period of qualifying service account shall be taken of any period in respect of which contributions paid by that person have been refunded to him under Article 19 of the principal Order and not subsequently repaid by him to the Trustees if that person, after an interval of not more than one month after having ceased to be a person liable to pay contributions under Article 5 or Article 6 of that Order again becomes liable to pay such contributions.

13. In any case where the Trustees receive by way of transfer value in respect of a person to whom Article 23 of the principal Order applies, any sums out of or out of moneys held for the purposes of any fund or scheme to which Article 22 of that Order (without the modifications contained in paragraph 11) applies, the actual period of the reckonable service of that person under that fund or scheme shall be taken into account for the purposes of calculating the aggregate period of qualifying service.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Assembly Pensions (Northern Ireland) Order 1976 ("the principal Order") made provision for the payment of pensions to persons who have been members of the Northern Ireland Assembly or have held office under section 8 of the Northern Ireland Constitution Act 1973. This Order amends the principal Order in a number of ways with effect from 1st April 1984.

Article 3 amends Article 4 of the principal Order to include the office of chairman or deputy chairman of certain committees of the Assembly within the definition of "qualifying office", provides that the holders of qualifying offices shall be participants under that Article until they elect not to be and extends the option period from 3 months to 12 months.

Article 4 increases the contributions payable by members from 5 per cent. to 6 per cent. of pensionable salary.

Article 5 limits total reckonable service to 40 years up to age 65 and 45 years in all; and makes provision, by way of Schedules 1 and 2, for Assembly members to purchase added years of reckonable service by periodical contributions payable until the age of 65 years, by payment of a lump sum, or by payment of periodical contributions over periods of four or five years.

Article 6 provides for pensions to be paid to certain members on early retirement in the case of any dissolution of the Assembly.

Article 7 reduces the qualifying period of tenure for the payment of a pension to the holder of a qualifying office from four to three years.

Article 8 provides for the award of ill-health pensions based on service as a member or an office-holder, and to certain persons who are no longer members or office-holders, subject to the production of medical evidence acceptable to the Trustees.

Articles 9 and 10 make provisions corresponding to Article 7 in the case of certain widows and widowers.

Article 10 provides also for pensions to be paid as of right under Article 15 of the principal Order to widowers who have reached 65 and replaces the dependancy test for payment of pensions to widowers below 65 by a test of ill health.

Articles 11 and 12 provide for improvements in the level of pensions payable to the widows, widowers or children of members who have qualified for pension under the scheme or of former members who die while in receipt of a pension; and for the payment of short-term pensions to certain widows, widowers and children of members who die with insufficient service for pension.

Article 13 modifies arrangements for the payment of a death gratuity to members and office-holders who die in service and abolishes the requirement of 12 months reckonable service for payment of gratuity.

Articles 14, 15 and 16 make minor or technical amendments to the principal Order.

Article 17 and Schedule 3 additionally modify the principal Order to the extent necessary to enable the provisions of the Order to become a contracted-out pension scheme for the purposes of the Social Security Pensions (Northern Ireland) Order 1975. The provisions of the Order follow the proposals set out in the Notice of Intention to Contract-out dated 31st December 1983 which was circulated to the Chairmen and Deputy Chairmen of Committees and all other contributors to the Assembly Contributory Pensions Fund.

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