1965. No. 219 **[C]**

PENSIONS

The Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1965

REGULATIONS, DATED 25TH OCTOBER, 1965, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 5(3) OF THE SUPERANNUATION ACT (NORTHERN IRELAND) 1947, BY THAT SUBSECTION AS APPLIED BY SECTION 2 OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1952 AND SECTION 7 OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1956, BY SECTION 3(2) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1959 AND BY THAT SUBSECTION AS APPLIED BY SECTION 4(2) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1963.

The Ministry of Finance (hereinafter referred to as "the Ministry"), in exercise of the powers conferred on it by section 5(3) of the Superannuation Act (Northern Ireland) 1947(**a**), by that subsection as applied by section 2 of the Pensions (Increase) Act (Northern Ireland) 1952(**b**) and section 7 of the Pensions (Increase) Act (Northern Ireland) 1956(**c**), by section 3(2) of the Pensions (Increase) Act (Northern Ireland) 1959(**d**) and by that subsection as applied by section 4(2) of the Pensions (Increase) Act (Northern Ireland) 1963(**e**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1965 and shall come into operation on 1st December, 1965.

Interpretation

2. In these Regulations—

"the Act of" any specified year means the Pensions (Increase) Act (Northern Ireland) of that year;

"F.S.S.U. scheme" means a superannuation scheme operated under the Federated Superannuation System for Universities;

"the civil service" means the civil service of Northern Ireland;

"civil servant" has the meaning assigned to it by section 53(2) of the Superannuation Act (Northern Ireland) 1949(**f**);

"the Superannuation Acts" means the Superannuation Acts (Northern Ireland) 1921 to 1958 and includes any enactments thereby applied to the civil service;

"date of retirement" means in relation to a person retiring from the civil service the date of such retirement and in relation to a person who retires from an employment which is approved employment within the meaning of section 4 of the Superannuation Act 1914(**g**) and to whom Regulation 3(1)(*a*)(iv) applies, the date of his retirement from that employment;

(**a**) 1947. c. 18.
(**b**) 1952. c. 25.
(**c**) 1956. c. 7.
(**d**) 1959. c. 10.
(**e**) 1963. c. 3 (N.I.).
(**f**) 1949. c. 13.
(**g**) 4 & 5 Geo. 5. c. 86.

"period of F.S.S.U. service" means, in relation to any person, the period in respect of which, while he was employed in the civil service, contributions were paid in his case under an F.S.S.U. scheme, but does not include any period in respect of which the employer's contributions paid in his case have been refunded by him, and for this purpose any contributions refunded by him shall be taken to be those employer's contributions which were last paid in his case before he ceased to be subject to an F.S.S.U. scheme;

"accumulated contributions" means, in relation to any person, the total sum which would have accumulated at the date of his retirement, if, in respect of each year of his period of F.S.S.U. service and any uncompleted part of a year at the end of such period, a sum equal to fifteen per cent. of the annual rate of the salary to which he was entitled at the beginning of such year (or, in the case of any such uncompleted part of a year, fifteen per cent. of a proportionate part of such annual rate) had been accumulated with compound interest at three per cent. per annum calculated with yearly rests from the beginning of such year or uncompleted part of a year as aforesaid until the date of his retirement;

"notional annuity" means—

(*a*) in the case of a person to whom neither Regulation 3(1)(*b*)(iii) nor 3(1)(*b*)(v) applies and whose superannuation benefits are provided by means of an insurance policy, the annuity (calculated in accordance with the guaranteed rates of the insurance company with whom the policy is taken out) which would have been payable to that person if he had elected to take the benefits payable under the policy at the date of his retirement in the form of an annuity, and

(*b*) in the case of a person to whom neither Regulation 3(1)(*b*)(iii) nor 3(1)(*b*)(v) applies and whose superannuation benefits are provided not by means of an insurance policy but by means of the investment and accumulation of contributions, the annuity (calculated in accordance with the tables which would have applied for the purchase of Government annuities at the date of his retirement if the power to grant such annuities had not been repealed) which would have been payable to that person if he had elected to take the benefits payable to him at the date of his retirement in the form of an annuity, and

(*c*) in the case of a person to whom either Regulation 3(1)(*b*)(iii) or 3(1)(*b*)(v) applies the annuity (calculated in accordance with the tables which would have applied for the purchase of Government annuities at the date of his retirement if the power to grant such annuities had not been repealed) which his accumulated contributions would purchase for him at the date of his retirement;

Provided that in each case the annuity to be calculated as aforesaid shall—

(i) be calculated only in respect of the person's period of service in the civil service, and

(ii) for the purpose of calculating any allowance payable under these Regulations in respect of a period prior to 1st January, 1963 be reduced by twenty per cent.

Application

3.—(1) These Regulations shall apply to any person who—

(*a*) either—

(i) retires from the civil service after attaining the age of sixty years, or

(ii) having retired from the civil service not earlier than 11th August, 1949, after attaining the age of fifty years, attains the age of sixty years, or

(iii) retires from the civil service on account of physical or mental infirmity, or

(iv) having been transferred with the consent of the Head of his Department from employment in the civil service to employment which is approved employment within the meaning of section 4 of the Superannuation Act 1914 and in which he is subject to an F.S.S.U. scheme; retires from the latter employment or from a subsequent employment which is approved employment within the meaning of the said section 4 and in which he is subject to an F.S.S.U. scheme in such circumstances that he is eligible for a superannuation allowance, additional allowance or gratuity under the said section 4 or would be so eligible if he were a person to whom that section applies and, unless he retires on account of physical or mental infirmity, has before retirement attained or thereafter attains the age of sixty years; and

(*b*) either—

(i) is at the date of his retirement from the civil service subject to an F.S.S.U. scheme, or

(ii) having been employed in the civil service and subject to an F.S.S.U. scheme, has before the date of his retirement from the civil service ceased to be so subject and has become subject to the Superannuation Acts by reason of his transferring from one appointment to another in the civil service, or

(iii) having been employed in the civil service and subject to an F.S.S.U. scheme, has before the date of his retirement from the civil service ceased to be so subject and has become subject to the Superannuation Acts otherwise than by reason of his transferring from one appointment to another in the civil service and has at some time after becoming subject to the Superannuation Acts been a civil servant, or

(iv) being such a person as is referred to in sub-paragraph (*a*)(iv) was at the date of his transfer from the civil service subject to an F.S.S.U. scheme, or

(v) being such a person as is referred to in sub-paragraph (*a*)(iv) was at some time during the period of his employment in the civil service subject to an F.S.S.U. scheme and had before the date of his transfer from the civil service ceased to be so subject and had become subject to the Superannuation Acts; and

(*c*) has not refunded the whole amount of the employer's contributions paid, during the period of his employment in the civil service, in his case under an F.S.S.U. scheme.

(2) A person to whom these Regulations apply is hereinafter referred to as an "officer".

Benefits corresponding to those of the Acts of 1944 *and* 1947

4.—(1) This Regulation shall apply to an officer who was employed in the civil service and subject to an F.S.S.U. scheme during a period which began before 1st July, 1944.

(2) Subject to the provisions of these Regulations, the Ministry may in respect of any period beginning on or after 1st April, 1960, pay to an officer

to whom this Regulation applies an allowance equal to the amount by which his pension would have been increased under the provisions of section 1 of the Act of 1944(**a**) if a pension of equal amount to the notional annuity of that officer had been payable to him under the Superannuation Acts;

Provided that where an officer is in receipt of a pension in respect of which an increase is authorised by the provisions of the said section 1, the allowance payable under this Regulation shall not exceed the difference between the amount of the increase which would have been authorised as aforesaid, had the officer been in receipt of such a pension equal to the sum of the said pension and of the notional annuity and the amount of the increase of the said pension actually authorised as aforesaid.

(3) Where there has been any addition since 30th June, 1944 to the emoluments of any officer by way of any general increase in pay, then in the calculation of the allowance authorised by the foregoing provisions of this Regulation that part of the notional annuity which is attributable to the said addition (calculated in such manner as the Ministry may determine) shall be disregarded, and

(*a*) if the amount of the allowance authorised by this Regulation is equal to or less than the amount of the notional annuity which is attributable to the said addition, no allowance shall be paid under this Regulation, and

(*b*) in any other case, the amount of the allowance authorised by this Regulation shall be reduced by the amount of the notional annuity which is attributable to the said addition.

Benefits corresponding to those of the Act of 1952

5.—(1) This Regulation shall apply to an officer who was employed in the civil service and subject to an F.S.S.U. scheme during a period which began before 1st April, 1948.

(2) Subject to the provisions of these Regulations, the Ministry may, in respect of any period beginning on or after 1st April, 1960, pay to an officer to whom this Regulation applies an allowance at the annual rate of twenty-six pounds;

Provided that where the officer's period of F.S.S.U. service ends after 31st March, 1948, such rate as aforesaid shall be reduced by an amount equivalent to one pound for every year and any uncompleted part of a year by which 31st March, 1948 precedes the day on which his period of F.S.S.U. service ends.

(3) Where the officer is in receipt of a pension in respect of which an increase is authorised under section 1 of the Act of 1952, the allowance which may be paid to him under this Regulation shall not exceed the difference between the amount which would represent such allowance if his notional annuity were at a rate equal to the aggregate of the rates of that pension and his notional annuity and the amount of the increase of the said pension actually authorised as aforesaid.

(4) Where the officer is in receipt of a service pension as defined by paragraph 1 of the Second Schedule to the Act of 1944, paragraph (3) of this Regulation shall apply for the purpose of ascertaining the amount of the allowance which may be paid under this Regulation as if that pension were a pension in respect of which an increase is authorised under section 1 of the Act of 1952; but paragraph 8 of the Second Schedule to the Act of 1944 (which

(a) 1944. c. 19.

requires certain service pensions to be disregarded for the purpose of paragraph 7 of that Schedule) shall apply for the purposes of this paragraph as if any reference to the said paragraph 7 included a reference to this paragraph.

Benefits corresponding to those of the Act of 1956

6.—(1) This Regulation shall apply to an officer who was employed in the civil service and subject to an F.S.S.U. scheme during a period which began before 1st April, 1952.

(2) Subject to the provisions of these Regulations, the Ministry may, in respect of any period beginning on or after 1st April, 1960, pay to an officer to whom this Regulation applies an allowance at the annual rate of ten per cent. of the officer's notional annuity or one hundred pounds a year, whichever is the less;

Provided that where the officer's period of F.S.S.U. service ends after 31st March, 1952, the amount of the allowance which may be paid to him under this Regulation shall be reduced by a sum equal to one twenty-fifth of such amount for every year and any uncompleted part of a year by which 31st March, 1952 precedes the day on which his period of F.S.S.U. service ends.

(3) Where the officer is in receipt of a pension in respect of which an increase is authorised under section 1 of the Act of 1956—

(*a*) if the annual rate of that increase is one hundred pounds no allowance shall be payable under this Regulation; and

(*b*) if the annual rate of that increase is less than one hundred pounds, the allowance which may be paid under this Regulation shall not exceed the difference between the annual rate of that increase and one hundred pounds.

Benefits corresponding to those of the Act of 1959

7.—(1) This Regulation shall apply to an officer who was employed in the civil service and subject to an F.S.S.U. scheme during a period which began before 1st April, 1957.

(2) Subject to the provisions of these Regulations, the Ministry may, in respect of any period beginning on or after 1st April, 1960, pay to an officer to whom this Regulation applies an allowance at the annual rate of twelve per cent. of the aggregate of—

(*a*) that officer's notional annuity; and

(*b*) the annual rate of any allowance for which he is eligible under Regulations 4, 5 and 6,

any fraction of a pound in that aggregate being treated as a whole pound;

Provided that, where the officer's period of F.S.S.U. service ends after 31st March, 1952, the amount of the allowance which may be paid to him under this Regulation shall be reduced by a sum equal to one-thirtieth of such amount for every year and any uncompleted part of a year by which 31st March, 1952 precedes the day on which his period of F.S.S.U. service ends.

Benefits corresponding to those of the Act of 1963

8.—(1) This Regulation shall apply to an officer who was employed in the civil service and subject to an F.S.S.U. scheme during a period which began before 1st April, 1961.

(2) In this Regulation "adjusted rate" in relation to a notional annuity means the aggregate of the notional annuity and any allowance granted in respect of it under Regulations 4, 5, 6 and 7, any fraction of a pound in that aggregate being treated as a whole pound, and in relation to a pension means the aggregate annual rate of that pension after any relevant increase within the meaning of the Act of 1959, any fraction of a pound in that aggregate being treated as a whole pound.

(3) Subject to the provisions of these Regulations, the Ministry may, in respect of any period beginning on or after 1st January, 1963, pay to an officer to whom this Regulation applies an allowance at the annual rate of twelve per cent. of the adjusted rate of that officer's notional annuity;

Provided that where the officer's period of F.S.S.U. service ends after 31st March, 1956, the amount of the allowance which may be paid to him under this paragraph shall be reduced by a sum equal to one thirtieth of such amount for every year and any uncompleted part of a year by which 31st March, 1956 precedes the day on which his period of F.S.S.U. service ends.

(4) The Ministry may, in respect of any period beginning on or after 1st January, 1963, pay to an officer who may receive an allowance under paragraph (3) and who has attained the age of seventy years (whether before or after the coming into operation of these Regulations) a further allowance in accordance with the following provisions of this Regulation.

(5) The amount of the further allowance which the Ministry may pay under paragraph (4) shall be the amount which section 2(1) of the Act of 1963 would have authorised if the officer had been in receipt of a pension to which that subsection applies and if such pension had begun on the day immediately following the day when his period of F.S.S.U. service ended.

(6) The further allowance which may be paid under paragraph (4) shall not in any case exceed one quarter of the adjusted rate of the officer's notional annuity.

(7) Where an officer is in receipt of a pension in respect of which an increase is authorised under section 2 of the Act of 1963, the further allowance which may be paid under paragraph (4) shall not exceed the difference between—

(*a*) the amount which would represent such further allowance if the adjusted rate of his notional annuity were equal to the aggregate of the adjusted rate of the pension and the adjusted rate of the notional annuity and the period of F.S.S.U. service, if it ended later than the day immediately before the pension began, had ended on that day; and

(*b*) the amount of the increase of the said pension actually authorised as aforesaid.

(8) Where an officer is in receipt of a service pension as defined by paragraph 1 of Schedule 2 to the Act of 1963, paragraph (7) shall apply for the purpose of ascertaining the amount of the further allowance which may be paid under paragraph (4) as if that pension were a pension in respect of which an increase is authorised under section 2 of the Act of 1963; but paragraphs 4(2) and 4(3) of Schedule 2 to the Act of 1963 (which require certain service pensions to be disregarded for the purposes of paragraph 4 of that Schedule) shall apply for the purposes of this paragraph as if any reference to paragraph 4 of the said Schedule included a reference to this paragraph.

Furnishing of information

9. Where an allowance is payable to an officer under these Regulations, the Ministry may require the officer to give information regarding any pension payable to him and may withhold payment of the allowance until that information has been given.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 25th day of October, 1965.

(L.S.) *James V. Morrison,*
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations provide for increases of pension to be granted to persons who have been subject to the Federated Superannuation System for Universities during their employment in the Civil Service. The increases correspond to increases conferred by the Pensions Increase Acts on civil servants subject to the Superannuation Acts with modifications to enable the increases to be applied to benefits based on an insurance scheme.

1965. No. 220 [NC]

VAUGHAN'S CHARITY

ORDER, DATED 18TH OCTOBER, 1965, MADE BY THE MINISTRY OF FINANCE WITH THE APPROVAL OF THE ATTORNEY-GENERAL UNDER THE VAUGHAN'S CHARITY (ADMINISTRATION) ACT (NORTHERN IRELAND) 1954.

Whereas under the Vaughan's Charity (Administration) Act (Northern Ireland) 1954(a) it is provided that, as from the commencement of that Act, the charity known as the Vaughan Agricultural Institute shall be administered in accordance with and subject to the provisions of the Scheme set forth in the Schedule to that Act (hereinafter referred to as "the Scheme"):

And whereas Article 32 of the Scheme provides that upon the application of the Trustees (they being defined in the Scheme and being hereinafter called "the Trustees") made with the approval of the Ministry of Agriculture the Scheme may be altered or amended by the Ministry of Finance for Northern Ireland (hereinafter called "the Ministry") in such form and to such extent as may be approved by Her Majesty's Attorney-General for Northern Ireland:

And whereas the Trustees with the approval of the Ministry of Agriculture have applied to the Ministry to amend the Scheme in manner hereinafter appearing:

(a) 1954. c. 28.