(ii) in relation to any other person, his remuneration during the last unbroken period of unestablished civilian employment in the Control Service preceding the date of termination of his employment, divided by the number of days in that period and multiplied by three hundred and sixty-five.

8. These Regulations shall come into force on the 3rd day of November, 1949.

Dated this 1st day of November, 1949.

Wm. Hannan,
Richard Adams,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

These Regulations authorise the payment of gratuities under a scheme for longer term engagements for a limited number of members of the Control Service in Germany, which is known as "Scheme C". They will not apply to persons whose service under the Control Commission reckons for gratuity or pension under other arrangements, except that a person entitled to a gratuity under Section 39 of the Superannuation Act, 1949, may elect whether he shall receive a gratuity under that section, or under these Regulations. The rates of gratuity are laid down in Regulation 3, (which prescribes the rate applicable where an appointment is terminated prematurely on grounds of redundancy), and in Regulation 4 which prescribes the rate applicable after completion of seven years service.

(3) EXISTING IRISH OFFICERS

The Superannuation Act (Application to Existing Irish Officers) Order, 1949

1949 No. 1835

Made - - - -	*29th September,* 1949
Laid before Parliament	*30th September,* 1949
Coming into Operation	*1st October,* 1949

At the Court at Buckingham Palace, the 29th day of September, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas it is provided by sub-section (3) of section fifty-six of the Superannuation Act, 1949(a), that His Majesty may, by an Order in Council made in pursuance of a Resolution passed by both Houses of Parliament of Northern Ireland, direct that the said Act or any provisions thereof shall, subject to such exceptions and adaptations as may be specified in the Order, apply to

(a) 12, 13 & 14 Geo. 6. c. 44.

existing Irish Officers to whom the Superannuation Acts, 1834 to 1914, apply by virtue of sub-section (2) of section fifty-five of the Government of Ireland Act, 1920(a):

And whereas it is provided by sub-section (4) of section fifty-six of the Superannuation Act, 1949, that the power conferred on His Majesty by sub-section (3) of that section extends to the application of all or any of the provisions of the Superannuation Act, 1949, to the case of existing Irish Officers to whom compensation falls to be granted under the Eighth Schedule to the Government of Ireland Act, 1920, and that the adaptations subject to which those provisions may be so applied may include the insertion of provisions modifying the said Eighth Schedule so far as appears necessary or expedient for the purposes of the Order:

And whereas it is provided by sub-section (5) of section fifty-six of the Superannuation Act, 1949, that save as in that section provided that Act shall not apply to existing Irish Officers:

And whereas it is provided by sub-section (6) of section fifty-six of the Superannuation Act, 1949, that the expression "existing Irish Officers" has in that section the same meaning as in the Government of Ireland Act, 1920:

And whereas such a Resolution as aforesaid has been passed by both Houses of the said Parliament, praying that the provisions of the Superannuation Act, 1949, hereafter specified in this Order may, subject to such exceptions and adaptations as may be so specified, be applied to the said officers:

Now, therefore, His Majesty, in pursuance of the said Resolution and by virtue of all powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Superannuation Act (Application to Existing Irish Officers) Order, 1949, and shall come into operation on the 1st day of October, 1949.

(2) In this Order, unless the context otherwise requires—

The expression "the Act" means the Superannuation Act, 1949;

The expression "existing Irish Officers" means existing Irish Officers within the meaning of the Government of Ireland Act, 1920, to whom the Superannuation Acts, 1834 to 1914, apply by virtue of sub-section (2) of section fifty-five of that Act.

2. The following provisions of the Act shall apply to existing Irish Officers, subject to the exceptions and adaptations specified in Article 3 of this Order, that is to say—

(*a*) The provisions of Parts I and II;

(*b*) In Part III, sections thirty-two to thirty-eight, forty-one, forty-three and forty-four;

(*c*) In Part IV, sections forty-five to fifty-one, fifty-four, fifty-seven to sixty, and sixty-two to sixty-four;

(*d*) The First, Second and Third Schedules.

(a) 10 & 11 Geo. 5. c. 67.

3. The said provisions of the Act shall, in their application to existing Irish Officers, be subject to the following exceptions and adaptations:—

(*a*) References to civil servants shall, except in sub-sections (1) and (2) of section forty-four, be construed as references to existing Irish Officers, and references to persons ceasing to be civil servants, to persons retiring from being civil servants, and to retired civil servants shall be construed accordingly;

(*b*) References to the permanent civil service of the State, to the civil service or to the service, shall, except in sub-sections (1) and (2) of section fourteen, sub-sections (1) and (2) of section thirty-one, the proviso to sub-section (3) of section thirty-five, sub-section (5) of section thirty-six and sub-section (1) of section forty-four, be construed as including references to the civil service established in connection with the Government of Northern Ireland;

(*c*) References to the Treasury, where they occur in relation to the grant and ascertainment of the amount of any pension or gratuity under the Superannuation Acts, or in relation to any functions exercisable under any provision of the Act relating to pensions or contributions under Parts I and II thereof, shall be construed as references to the Civil Service Committee for Northern Ireland established by section fifty-six of the Government of Ireland Act, 1920, and Article 7 of the First Schedule to the Irish Free State (Consequential Provisions) Act, 1922(a);

(*d*) References to the Treasury, other than such references as are mentioned in the last preceding paragraph, shall be construed as references to the Ministry of Finance for Northern Ireland;

(*e*) In paragraph (*a*) of sub-section (3) of section seven, and paragraph (*a*) of sub-section (2) of section twenty, for the words "the amount of salary from time to time payable to him, exclusive of allowances and payments for overtime" there shall be substituted the words "the amount of salary and emoluments (exclusive of payments for overtime) from time to time payable to him";

(*f*) In paragraph (*b*) of sub-section (3) of section seven, and paragraph (*b*) of sub-section (2) of section twenty, after the word "salary" there shall be inserted the words "and emoluments";

(*g*) In sections 10, 11 and 29, references to the date of the passing of the Act or to the passing of the Act shall be construed as references to the eleventh day of August, nineteen hundred and forty-nine.

(*h*) Sub-section (5) of section thirty-three shall not apply;

(*i*) Sub-section (1) of section thirty-four shall not apply;

(*j*) In sub-section (1) of section thirty-six, after paragraph (ii) of the proviso there shall be inserted the following paragraph:—

"(iii) where the person in question ceased to be an existing Irish Officer in such circumstances that he has been granted or is eligible for the grant of an annual compensation allowance under the Eighth Schedule to the Government of Ireland Act, 1920, (being an allowance to which this section applies by virtue of section fifty-eight of the Act) no account shall, by virtue of this section and section fifty-eight of this Act, be taken for any of the purposes of this section (including the purposes of paragraph (i) of this proviso) of any service in an unestablished capacity before he attained the age of 65 years."

(a) 13 Geo. 5. c. 2.

(*k*) In section forty-one—

(i) in sub-section (1) thereof, the words " or, not being a civil servant, is employed in a civil capacity for the purposes of His Majesty's Government in the United Kingdom, whether temporarily or permanently and whether for reward or not ", shall not apply ;

(ii) sub-sections (5) and (8) thereof shall not apply ;

(*l*) In section forty-three—

(i) references to the Secretary of State shall be construed as references to the Minister of Home Affairs for Northern Ireland ;

(ii) in sub-section (1) thereof, for the words " and other institutions to which the Prison Acts, 1865 to 1898, or the Prisons (Scotland) Acts, 1860 to 1926, apply, whether with or without modifications " there shall be substituted the words " in Northern Ireland (including the criminal lunatic asylum) and in the Malone Training School " ;

(iii) sub-section 6 shall not apply ;

(*m*) Sub-section (3) of section fifty-four shall not apply ;

(*n*) In section fifty-eight—

(i) in sub-section (1) thereof after the words " thirty-three " there shall be inserted the words " thirty-five, thirty-six " ; and

(ii) in sub-section (2) thereof after the words " abolition of office) " there shall be inserted the words " or an annual compensation allowance under the Eighth Schedule to the Government of Ireland Act, 1920," ;

(*o*) For section sixty there shall be substituted the following section :—

" 60. All rules made under section thirty-three or section fifty-four of this Act, and all warrants made under section forty-one thereof, and all orders made under section forty-three thereof, shall be laid before each House of the Parliament of Northern Ireland as soon as may be after they are made, and if either such House, within the statutory period next after any such rules, warrant, or order, have or has been so laid, resolves that the rules, warrant or order be annulled, those rules or that warrant or order shall after the date of the resolution be void, but without prejudice to the validity of anything done thereunder, or to the making of new rules, a new warrant or a new order.

For the purposes of this section the expression " statutory period " means a period comprising ten days at least on which the Senate of Northern Ireland or the House of Commons of Northern Ireland (as the case may be) has sat, but not being in any case shorter in duration than twenty days, such days being reckoned without regard to the question whether they are comprised in one or more than one Session of the Parliament of Northern Ireland."

(*p*) For sub-section (2) of section sixty-three there shall be substituted the following sub-section :—

" (2) In sub-sections (1) and (2) of section forty-four of this Act, the expression " civil servant " means a person serving in an established capacity in the permanent civil service of the State who holds his appointment directly from the Crown or has been admitted into the civil service with a certificate from the Civil Service Commissioners ".

4. The provisions of the Eighth Schedule to the Government of Ireland Act, 1920, shall have effect subject to the following provisions:—

(*a*) Notwithstanding the limit imposed by paragraph 1 of Head B of Part I of the said Schedule on the amount of any annual allowance granted under the said Schedule, such an allowance may in pursuance of the provisions of section thirty-five or section thirty-six of the Act be so increased that it exceeds two-thirds of the salary on which it is reckoned;

(*b*) Notwithstanding any limit imposed by paragraph 2 of Head C of Part I of the said Schedule on the amount of any annual allowance or additional allowance granted under the said Schedule, such an annual allowance or additional allowance may in pursuance of the provisions of section thirty-five or section thirty-six of the Act be so increased that in the case of the annual allowance it exceeds one-half of the salary on which it is calculated or, in the case of the additional allowance exceeds one and a half times the salary on which it is calculated or any other limit imposed by the said paragraph 2;

(*c*) Where, at the time at which the compensation payable under the said Schedule to any existing Irish Officer is to be determined, section one and section two of the Superannuation Act, 1909(**a**), apply to him by virtue of section ten or section thirty-one of the Act, such existing Irish Officer shall not be entitled to make an election under paragraph 1 of Head C of Part I of the said Schedule.

E. C. E. Leadbitter.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order applies the provisions of the Superannuation Act, 1949, with the necessary modifications and adaptations, to existing Irish Officers within the meaning of the Government of Ireland Act, 1920. These officers were serving in Ireland before the passing of the Government of Ireland Act, and were transferred (in 1921) following the passing of that Act to the service of the Northern Ireland Government. Section 55 of that Act provided that they should continue to be subject to the Superannuation Acts, 1834-1914—i.e. their existing rights were preserved. The procedure here being followed, of an Order in Council made pursuant to a Resolution of both Houses of the Parliament of Northern Ireland, is necessary to extend to them the provisions of subsequent Superannuation Acts. The amendments and modifications consist only in the omission of those provisions which can have no application to any of the officers concerned and in the adaptation of the remainder to the Northern Irish context.

(**a**) 9 Edw. 7 c. 10.