SUPERANNUATION.

Joint Service.

REGULATIONS, DATED 5TH FEBRUARY, 1937, MADE BY THE MINISTRY OF FINANCE FOR NORTHERN IRELAND UNDER SECTION 3 OF THE SUPERANNUATION ACT (NORTHERN IRELAND), 1925, AS AMENDED BY SECTION 3 OF THE TEACHERS' SUPERANNUATION ACT (NORTHERN IRELAND), 1936.

1937. No. 8.

WHEREAS by section 3 of the Teachers' Superannuation Act (Northern Ireland), 1936, it is provided that section 3 of the Superannuation Act (Northern Ireland), 1925, shall have effect and shall be deemed always to have had effect subject to the amendments made therein by the first mentioned section :

And whereas by the said section 3 of the Superannuation Act (Northern Ireland), 1925, as so amended (which section as so amended is hereinafter referred to as "section 3 of the 1925 Act"), it is provided that the Ministry of Finance (hereinafter referred to as "the Ministry") shall make regulations—

(*a*) for determining, where the superannuation benefits or the conditions qualifying a person for superannuation benefits are not identical in the case of a teacher and in the case of a civil servant, what modification (if any) corresponding to the variation between the respective benefits or conditions shall be made in the amount which may be granted under the Superannuation Acts (Northern Ireland), 1921 to 1935, as amended by section 3 of the Teachers' Superannuation Act (Northern Ireland), 1936 ; and

(*b*) for determining what portion of a grant made to, or in the case of, any person to whom section 3 of the 1925 Act applies shall be paid out of moneys provided by Parliament, and what portion (if any) shall be paid out of the Teachers' Superannuation Fund established by the Teachers' Superannuation Act (Northern Ireland), 1926 ; and

(*c*) generally, for prescribing the conditions subject to which teaching service may be reckoned for the purposes of section 3 of the 1925 Act :

Now, therefore, the Ministry in pursuance of the powers conferred upon it by section 3 of the 1925 Act hereby makes the following regulations :—

1. The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. For the purpose of section 3 of the 1925 Act, teaching service may be reckoned where an interval of not more than three months has elapsed between the termination of such service and the commencement of service as a civil servant, but where such interval exceeds a period of three months, such teaching service shall not be reckoned unless the Ministry in any exceptional case shall so determine. Where between the termination of the teaching service and the commencement of service as a civil servant, a person is employed in the civil service in an unestablished capacity, the period of such employment may be disregarded in reckoning the interval of three months aforesaid, and such unestablished service shall itself be reckoned as to one half for purposes of superannuation.

3. Where the appointment as a civil servant was made before the 20th September, 1909, or, in the case of a woman, before the 17th December, 1935, and the officer did not elect to adopt the provisions of the Superannuation Act, 1909, or, having adopted them, determined under the powers conferred by the Government of Ireland Act, 1920, to be treated as if he had not so elected, three-fourths only of the teaching service shall be reckonable for purposes of superannuation.

4. Where the appointment as a civil servant was made on or after the 20th September, 1909, or, in the case of a woman on or after the 17th December, 1935, or where it was made before either of those dates, as the case may be, and the officer adopted the provisions of the Superannuation Act, 1909, the whole of the teaching service shall be reckonable for purposes of the calculation of (*a*) a superannuation allowance and (*b*) a gratuity under section 2 or sub-section (1) of section 3 of the Superannuation Act, 1909, as amended by section 2 of the Superannuation Act, 1914, but no part of such service prior to the 1st July, 1936, shall be reckonable for the purpose of the calculation of an additional allowance under sub-section (2) of section 1 or of sub-section (1) of section 3 of the Superannuation Act, 1909.

5. Where, in the case of a civil servant whose teaching service is deemed for the purposes of section 3 of the 1925 Act to be service as a civil servant, the pension rules or scheme applicable to such person in respect of his teaching service prescribe that a teacher leaving the teaching service shall on being re-employed be required to refund with interest at a specified rate any sums paid to him on account of contributions in respect of superannuation as a condition of eligibility for superannuation on final retirement as a teacher, then such requirement shall equally apply for the purpose of section 3 of the 1925 Act and repayment shall be

made to the Teachers' Superannuation Fund in such manner and at such times as the Ministry may from time to time determine.

6. The portion of any grant to which section 3 of the 1925 Act applies which shall be paid out of the Teachers' Superannuation Fund shall be an amount equivalent to that which would have been chargeable against such Fund if at the time the officer retired from the teaching service he had been granted superannuation benefit on the ground of physical or mental disability, or, in a case covered by the proviso to sub-section (1) of section 3 of the 1925 Act, the amount which would have been so chargeable if pension contribution had been paid at the normal rate, and the remaining portion shall be paid out of moneys provided by Parliament.

7.—(1) These regulations shall be deemed to have had effect from the 25th day of February, 1926.

(2) The regulations made by the Ministry on the 25th day of February, 1926, under section 3 of the Superannuation Act (Northern Ireland), 1925 (S.R. & O. 1926, No. 23) are hereby revoked.

8. These regulations may be cited as the Superannuation (Joint Service) Regulations (Northern Ireland), 1937.

Given under the Seal of the Ministry of Finance for Northern Ireland this 5th day of February, 1937, in the presence of—

(L.S.) *G. C. Duggan,*
Assistant Secretary.

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