

## 1973. No. 455

## PENSIONS

**Parliamentary Commissioner for Administration and Commissioner for Complaints (Pension) Order (Northern Ireland) 1973**

*Made* . . . . . 5th November 1973

*Coming into operation* . . . . . 17th December 1973

*To be laid before the Parliament of the United Kingdom under paragraph 4(5)(b) of the Schedule to the Northern Ireland (Temporary Provisions) Act 1972.*

WHEREAS by section 2(3) of the Parliamentary Commissioner Act (Northern Ireland) 1969(a) it is provided that there shall be paid to any person who has held the office of Commissioner under that Act or in respect of his service as Commissioner such pension and other benefits as the Governor may by Order in Council determine:

AND WHEREAS by section 13(1) of the Commissioner for Complaints Act (Northern Ireland) 1969(b) it is provided that the Governor may by Order in Council make provision for the payment to any person who has held the office of Commissioner under that Act or in respect of the service of a person as Commissioner of such pension and other benefits as may be specified in the Order:

AND WHEREAS it is provided by each of the above-recited Acts that the Governor shall not be recommended to make any such Order in Council until a draft thereof has been laid before the Parliament of Northern Ireland and approved by a resolution of each House of that Parliament:

AND WHEREAS it is provided by sub-section (1) of section 1 of the Northern Ireland (Temporary Provisions) Act 1972(c) that so long as that section has effect all functions which apart from that Act belong to the Governor in Council shall be discharged by the Secretary of State:

AND WHEREAS it is provided by sub-paragraph (5) of paragraph 4 of the Schedule to the said Act of 1972 that where under any enactment it is a condition for the taking of any step that a resolution has been passed by one or both of the Houses of the Parliament of Northern Ireland, then so long as section 1 of that Act has effect the step may be taken without any resolution but any statutory rules made by virtue of that sub-paragraph shall be subject to annulment in pursuance of a resolution of either House of the Parliament of the United Kingdom in like manner as a statutory instrument:

NOW THEREFORE, the Secretary of State, in exercise of the powers conferred upon him by section 2 of the Parliamentary Commissioner Act (Northern Ireland) 1969, by section 13 of the Commissioner for Complaints Act (Northern Ireland) 1969 and by section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972 and of all other powers enabling him in that behalf hereby makes the following Order:

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(a) 1969. c. 10 (N.I.).

(b) 1969. c. 25 (N.I.).

(c) 1972. c. 22.

## PART I

## PRELIMINARY

*Citation*

1. This Order may be cited as the Parliamentary Commissioner for Administration and Commissioner for Complaints (Pension) Order (Northern Ireland) 1973.

*Interpretation*

2. In this Order—

“the civil service scheme” means the scheme of pensions and other benefits applicable to the civil service of Northern Ireland and “the United Kingdom civil service scheme” means the corresponding scheme applicable to the civil service of the United Kingdom;

“Commissioner” means both the person holding the office of the Northern Ireland Parliamentary Commissioner for Administration and the person holding the office of the Northern Ireland Commissioner for Complaints and includes any person holding both these offices;

“the judicial scheme” means the scheme of pensions and other benefits set out in Part II;

“the Ministry” means the Ministry of Finance.

*Election between the judicial scheme and the civil service scheme for pensions and other benefits*

3.—(1) Subject to paragraph (3) a person appointed to be the Commissioner may elect between the judicial scheme and the civil service scheme and if he does not so elect he shall be treated as having elected for the civil service scheme.

(2) An election under paragraph (1) shall be made within the period of three months beginning with the date on which the person by whom the election is made takes office as Commissioner or the date of the coming into operation of this Order, whichever is the later, and shall be made in writing addressed to the Ministry.

(3) Where a person is appointed to one of the offices referred to in the definition of “Commissioner” in Article 2 and is subsequently appointed to the other office so referred to, any election which that person has made or is to be treated as having made under paragraph (1) in respect of the office to which he is first appointed shall have effect in relation to the office to which he is subsequently appointed.

## PART II

## THE JUDICIAL SCHEME

*Application*

4. This Part shall apply to a person appointed to be the Commissioner who elects for the judicial scheme.

*Annual pension*

5.—(1) On a person, to whom this Part applies, ceasing to hold office as Commissioner, the Ministry may, subject to the provisions of this Order, grant to him an annual sum by way of pension in respect of his service as Commissioner, calculated in accordance with paragraph (2), if he has held office as Commissioner for not less than five years and either—

(a) he has attained the age of sixty-five years; or