



THE GOVERNMENT SUPERANNUATION FUND (TRANSFER OF SERVICE) REGULATIONS 1990

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 89A and 97 of the Government Superannuation Fund Act 1956, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| 1. Title and commencement | 6. Procedure for making election |
| 2. Interpretation | 7. Repayment where contributions refunded |
| 3. Election to transfer service into service under Part VA of Act | 8. Contributions to be transferred to Judges Superannuation Account |
| 4. Effect of election | 9. Revocation |
| 5. Reduction of previous service | |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Government Superannuation Fund (Transfer of Service) Regulations 1990.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires, “the Act” means the Government Superannuation Fund Act 1956.

3. Election to transfer service into service under Part VA of Act—

(1) Any person who—

(a) Is appointed, on or after the 1st day of April 1988, as a Judge or a Master or to the office of Solicitor-General, and becomes liable to pay contributions under Part VA of the Act (as inserted by section 4 of the Government Superannuation Fund Amendment Act 1989); and

(b) Has previously contributed to the Fund under Part II or Part IIA or Part III or Part IIIA of the Act; and

(c) Is not in receipt of a retiring allowance payable under the Act—may, subject to these regulations, elect to have the period of contributory service under Part II or Part IIA or Part III or Part IIIA of the Act treated as a period of judicial service.

(2) No such election may be made in respect of any contributory service that has not continued to within 3 months before the date on which the person was appointed as a Judge or a Master or Solicitor-General, as the case may be.

4. Effect of election—(1) Where any election is made under these regulations, the service to which it relates shall, except as provided in subclause (2) of this regulation, be treated as judicial service for the purposes of Part VA of the Act, but shall not be treated as judicial service for any other purpose.

(2) Where any election is made under these regulations in respect of any service other than as Solicitor-General, the service to which it relates shall not be treated as judicial service for the purpose of section 81F (3) of the Act.

5. Reduction of previous service—(1) Except as provided in subclause (2) of this regulation, where, under any election made under these regulations, any service under Part II or Part IIA or Part III or Part IIIA of the Act is to be treated as judicial service, that service shall be reduced by one-half for the purposes of Part VA of the Act.

(2) Nothing in subclause (1) of this regulation shall apply to any service as Solicitor-General.

6. Procedure for making election—Every election under these regulations shall be made in writing and delivered to the Superintendent within 6 months after the appointment of the elector as a Judge or a Master or Solicitor-General, or before the 1st day of January 1991, whichever is the later.

7. Repayment where contributions refunded—Where any person has made an election under these regulations in respect of any period of service for which the contributions have been refunded, that person shall pay to the Judges Superannuation Account the contributions refunded to him or her, together with compound interest on those contributions at the

rate of 14 percent computed with yearly rests from the date on which the refund was made.

8. Contributions to be transferred to Judges Superannuation Account—Where an election is made under these regulations, the contributions paid in respect of the service to which the election relates shall be transferred to the Judges Superannuation Account.

9. Revocation—The Government Superannuation Fund (Transfer of Service) Regulations 1981* are hereby revoked.

MARIE SHROFF,
Clerk of the Executive Council.

*S.R. 1981/243

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the conditions on which contributory service under Part II or Part II A or Part III or Part III A of the Government Superannuation Fund Act 1956 may be treated as judicial service.

The regulations are based on, and replace, the Government Superannuation Fund (Transfer of Service) Regulations 1981. The new regulations are necessary following the insertion of new Parts into the Government Superannuation Fund Act 1956.

Regulation 3 provides that persons who commence judicial service may elect to have any previous contributory service treated as judicial service for the purposes of Part VA of the Act. The contributory service must have continued to within 3 months of the appointment as Judge, Master, or Solicitor-General, as the case may be.

Regulation 4 relates to the effect of an election under the regulations. The previous contributory service in respect of which the election is made will be treated, for example, as judicial service for the purpose of determining—

- (a) The date on which a Judge becomes entitled to a retiring allowance; and
- (b) The proportion of retiring salary that constitutes the retiring allowance; and
- (c) The benefits payable to a spouse.

The previous service will not, unless it is service as Solicitor-General, be counted as judicial service for the purpose of section 81F(3) of the Act (which relieves a Judge from paying contributions after completing 16 years' judicial service).

Regulation 5 provides that where any previous contributory service is to be counted as judicial service, it shall count for one-half only of the equivalent period of judicial service. This does not apply in respect of service as Solicitor-General, which will count for a full equivalent period of judicial service.

Regulation 6 provides that an election to have previous contributory service treated as judicial service must be made within 6 months after the appointment of the person, or before 1 January 1991, whichever is the later.

Regulation 7 requires the repayment of any contributions that have been refunded in respect of contributory service that is the subject of an election under these regulations. Interest is payable on the amount that was refunded and has become repayable at the rate of 14 percent.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 18 October 1990.

These regulations are administered in the Government Superannuation Fund Department.