

1977 No. 314

LOCAL GOVERNMENT

Occupational Pension Schemes (Certification of Employments—Local Government, etc., Staffs) Regulations (Northern Ireland) 1977

Made 31st October 1977

Coming into operation 16th December 1977

The Department of the Environment, after consultation with such bodies concerned with employments of the class to which these regulations apply as appeared to it fairly to represent the interests of the employers and earners in those employments, in exercise of its powers under article 53 of, and paragraph 8 of Schedule 2 to, the Social Security Pensions (Northern Ireland) Order 1975(a) as amended by article 18(18) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(b), 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 Occupational Pension Schemes (Certification of Employments—Local Government, etc., Staffs) Regulations (Northern Ireland) 1977 and shall come into operation on 16th December 1977.

Interpretation

2. In these regulations, unless the context otherwise requires—

“the Order” means the Social Security Pensions (Northern Ireland) Order 1975;

“the Certification Regulations” means the Occupational Pension Schemes (Certification of Employments) Regulations (Northern Ireland) 1976(c);

“the Department” means the Department of the Environment;

“election” means an election with a view to the issue, variation or surrender under Part IV of the Order of a certificate (a contracting-out certificate) specifying that employment is to be treated, either generally or in relation to any specified description of earners, as contracted-out employment and the occupational pension scheme by reference to which that employment is to be so treated;

“specified class of employments” means employments in which an earner’s service qualifies him for the benefits provided for by the Local Government (Superannuation) Regulations (Northern Ireland) 1962(d).

Elections, etc. to be made by the Department

3.—(1) In relation to the specified class of employments—

(a) the Department hereby directs that every election shall be made and revoked by it instead of by the employer;

(a) S.I. 1975/1503 (N.I. 15)

(b) S.I. 1977/610 (N.I. 11)

(c) S.R. 1976 No. 5 (I, p. 20)

(d) S.R. & O. (N.I.) 1962 No. 210 (p. 793) as amended by the following relevant regulations—S.R. & O. (N.I.) 1966 No. 274 (p. 871); S.R. & O. (N.I.) 1971 No. 108 (p. 539); S.R. & O. (N.I.) 1973 No. 242 (I, p. 1207); S.R. 1974 No. 72 (I, p. 211); S.R. 1975 No. 187 (II, p. 984); S.R. 1975 No. 347 (II, p. 1695); S.R. 1977 No. 205

(b) those things which are required or authorised to be done by or to an employer by or under the provisions referred to in paragraph (2) shall be done instead by or to the Department.

(2) The provisions referred to in the last foregoing paragraph are—

(a) the provisions of article 33 of the Order; and

(b) the provisions of the Certification Regulations.

Employments to be treated for certain purposes as employments under a single employer

4. The specified class of employments shall be treated as employments under a single employer different from the employer in any other employment for the purposes of—

(a) Article 44(1) of the Order (which relates to the payment of a contributions equivalent premium on termination of contracted-out employment) as read with article 45(2) of the Order; and

(b) any regulations made under paragraph 3 of Schedule 2 to the Order (which enables regulations to be made for requiring an employer to give notice to the Department of Health and Social Services when an earner's employment becomes or ceases to be contracted-out employment and when an earner's employment in contracted-out employment begins or ends).

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 31st October 1977.

(L.S.)

J. A. D. Higgins

Senior Assistant Secretary

EXPLANATORY NOTE

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

These regulations provide that, in respect of employees in local government service, etc. who qualify for benefits under the Local Government (Superannuation) Regulations (Northern Ireland) 1962, the Department of the Environment instead of the employer shall make or revoke any election with a view to the issue, variation or surrender of a certificate that employment is contracted-out employment under the Social Security Pensions (Northern Ireland) Order 1975.

The regulations provide also that those things relating to the issue, variation or surrender of such a certificate, which apart from the regulations would fall to be done by or to the employer, are to be done by or to the Department of the Environment.

For certain specified purposes the employments mentioned in the regulations are deemed to be employments under a single employer.