

1978 No. 398

SOCIAL SECURITY

**The Contracted-out Employment (Miscellaneous Provisions No. 2)
Regulations (Northern Ireland) 1978**

Made 20th December 1978

Coming into operation 31st January 1979

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 33(5) of, and paragraphs 1 and 9 of Schedule 2 to, the Social Security Pensions (Northern Ireland) Order 1975(a) 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 Contracted-out Employment (Miscellaneous Provisions No. 2) Regulations (Northern Ireland) 1978 and shall come into operation on 31st January 1979.

Amendment of the Occupational Pension Schemes (Certification of Employments) Regulations

2.—(1) The Occupational Pension Schemes (Certification of Employments) Regulations (Northern Ireland) 1976(b) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1) for “Every election” there shall be substituted “Subject to the provisions of regulation 10A, every election”.

(3) In regulation 10(1) for “Every election” there shall be substituted “Subject to the provisions of regulation 10A, every election”.

(4) After regulation 10 there shall be inserted the following regulation:

“Special provision with regard to elections for the issue, variation or surrender of certificates where the employment remains contracted-out

10A.—(1) Subject to the provisions of this regulation, where in the case of an election with a view to the issue, variation or, as the case may be, surrender of a contracting-out certificate the Board are satisfied that—

- (a) an earner in respect of whose employment the election is proposed to be made will continue to qualify for requisite benefits under the scheme of which he is a member when the election takes effect;
- (b) the rights to requisite benefits of that earner under that scheme will be unaffected; and
- (c) the employment of that earner will continue to be contracted-out employment by reference to that same scheme,

then that election may be made without compliance with regulations 2(1)(a) and (b), 4, 5 and paragraphs (1)(a) and (b) and (2) to (5) of regulation 10.

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

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

(2) Where, in accordance with paragraph (1), an election is made without compliance with the said provisions, the Board may require that a notice of explanation of the reasons why those provisions have not been complied with shall be given by the employer in the manner mentioned in regulation 3(3) to—

- (a) the earners to whose employment the election relates; and
- (b) the persons and bodies referred to in regulation 3(1)(b) to (d)."

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations

3.—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1976(c) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 9(5)(b) for "responsibility" there shall be substituted "all the responsibilities of the old employer".

(3) After paragraph (5) of regulation 9 there shall be inserted the following paragraph:

"(5A) In a case where an earner's service in contracted-out employment is to be treated as continuing by virtue of paragraph (5) the contracting-out certificate issued to the old employer shall be treated as issued to the new employer and the Board may vary that certificate in such respects as may be necessary in the circumstances."

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th December 1978.

(L.S.)

W. J. Sloane
Senior Assistant Secretary

EXPLANATORY NOTE

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

These regulations further amend the Occupational Pension Schemes (Certification of Employments) Regulations (Northern Ireland) 1976 so as to provide that where an election with a view to the issue, variation or surrender of a contracting-out certificate meets the conditions prescribed the requirements for the giving of notices and consultation may be dispensed with.

The regulations also further amend the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1976 so as to provide that where an earner's contracted-out employment is to be treated as continuing by virtue of regulation 9(5) of those regulations (continuity of contracted-out employment in cases where business is taken over by new employer), the contracting-out certificate is to be treated as issued to the new employer.