

Local Government Superannuation

REGULATIONS,* DATED 1ST NOVEMBER, 1950, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SECTION 2 AND SECTION 7 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (N.I.), 1950.

1950. No. 191

The Ministry of Health and Local Government for Northern Ireland in exercise of the powers conferred on it by sub-section (1) of Section two of the Local Government (Superannuation) Act (Northern Ireland), 1950 (in these Regulations referred to as "the Act"), and, with the approval of the Ministry of Finance for Northern Ireland under sub-section (2) of Section seven of the Act, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Local Government (Designated Bodies) (Superannuation) Regulations (Northern Ireland), 1950.

(2) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

2. The Local Government (Superannuation) Regulations (Northern Ireland), 1950, shall apply as from the appointed day as defined in those Regulations to the following bodies which have been duly designated under sub-section (1) of section eight of the Act :—

- (a) The Northern Ireland Housing Trust.
- (b) The Northern Ireland Tourist Board.

3. An officer in the employment of the Northern Ireland Housing Trust or the Northern Ireland Tourist Board immediately before the appointed day, who, within a period of nine months from the appointed day, opts to come within the Regulations, shall be entitled, on payment into the Superannuation Fund of the appropriate contributions calculated at six per cent. or five per cent., as the case may be, of his remuneration to count towards pension the service represented by such contributions provided that the employing body concerned also pays appropriate contributions into that Fund in accordance with Regulation 5 of the Local Government (Superannuation) Regulations

* A draft of the Regulations was approved by resolution of the House of Commons on the 3rd day of October, 1950 and by resolution of the Senate on the 31st day of October, 1950.

(Northern Ireland), 1950, calculated at eight per cent. or six per cent., as the case may be, of the officer's remuneration.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 1st day of November, 1950, in the presence of

(L.S.)

L. G. P. Freer,
Secretary.

The Ministry of Finance for Northern Ireland, in so far as its approval is necessary under sub-section (2) of section seven of the Act, hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 1st day of November, 1950, in the presence of

(L.S.)

John I. Cook,
Second Secretary.

REGULATIONS,* DATED THE 21ST DAY OF JUNE, 1950, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

1950. No. 103

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* A draft of these Regulations was approved by resolution of the House of Commons on the 20th day of June, 1950 and by resolution of the Senate on the 20th day of June, 1950.

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- FOURTH SCHEDULE** —Provisions for the calculation of transfer values payable by the Committee and directions for the use of the sub-joined Tables in connection therewith.

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by sub-section (1) of Section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950, hereby makes the following regulations :—

Citation and Interpretation

1.—(1) These Regulations may be cited as the Local Government (Superannuation) Regulations (Northern Ireland), 1950, and shall be deemed to have come into force on the 1st day of April, 1950.

(2) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them —

“additional contributory payment” means any payment made for the purposes of Regulation 15 (9) or 16 (4) ;

“appointed day” means the first day of April, 1950 ;

“average remuneration” has the meaning assigned to it by Regulation 18 ;

“contributing service” means service which is reckonable as contributing service in accordance with Regulation 16 ;

“designated body” means any body (other than a local authority) which the Ministry may, with the consent of the body concerned, designate for the purposes of the regulations ;

“employing authority” means the committee, a local authority or designated body by whom a contributory employee is employed ;

“existing officer” means any officer qualified to receive a superannuation allowance under the Act of 1865, the Act of 1869, the Act of 1875, the Act of 1919, or any local Act ;

“local act” means an act (including a provisional order confirmed by Parliament) which makes provision for the superannuation of any officer of a local authority otherwise than by means of a scheme involving the payment of contributions by any such officer ;

“local authority” means the council of any county, county or other borough, or urban or rural district, or the commissioners of any town not being an urban district or the Belfast City and District Water Commissioners, and includes a local authority in their capacity as a public authority for the purposes of any enactment, a committee of a local authority, or a joint board or joint committee of more than one local authority ;

“non-contributing service” means service which is reckonable as non-contributing service in accordance with Regulation 16 (3) ;

“officers” includes all employees except those whose employment is of a casual nature ;

- “pensionable age” means in relation to a female nurse, physio-therapist, midwife, or mental health officer, the age of 60 years, and in relation to any other officer, means the age of 65 years ;
- “remuneration” means all salary, wages, fees and other payments paid or made to an officer as such for his own use, and includes the money value of any apartments, rations, or other allowances in kind appertaining to his employment, but does not include payments for work of a casual or non-recurring nature, or for overtime or any allowance paid to him to cover the cost of providing office or laboratory accommodation or clerical or other assistance, or any travelling or subsistence allowance or other monies to be spent, or to cover expenses incurred by him for the purposes of his employment ;
- “service” has the meaning assigned to it by Regulation 15 ;
- “the Act” means the Local Government (Superannuation) Act (Northern Ireland), 1950 ;
- “the Act of 1865” means the Union Officers’ (Ireland) Superannuation Act, 1865, as amended or applied by any other enactment ;
- “the Act of 1869” means the Local Officers’ Superannuation Act (Ireland), 1869, as amended or applied by any other enactment ;
- “the Act of 1875” means the County Surveyors’ Superannuation Act (Ireland), 1875 ;
- “the Act of 1919” means the Local Government (Ireland) Act, 1919, section eight ;
- “the committee” means the Northern Ireland Local Government Officers’ Superannuation Committee ;
- “the Ministry” means the Ministry of Health and Local Government for Northern Ireland ;
- “transfer value” has the same meaning as “accrued superannuation value” as that expression is defined in section 2 of the Act ; and
- “war service” means war service within the meaning of the Local Government Staffs (War Service) Act (Northern Ireland), 1939, or service in any of the naval, military, or air forces of the Crown, or employment for war purposes, within the meaning of the Superannuation Schemes (War Service) Act (Northern Ireland), 1941.

PART I

Establishment of a Superannuation Fund

2.—(1) As from the appointed day, a superannuation fund shall be maintained for the purposes of these regulations by the Local Government Officers’ Superannuation Committee, (in these regulations referred to as “the Committee”).

(2) There shall be carried and credited in each year to the Superannuation Fund —

- (a) the amounts contributed during the year by the contributory officers entitled to participate in the benefits of the fund ;
- (b) the contributions payable into the fund by employing authorities.
- (c) any amounts payable into the fund in pursuance of an actuary's certificate ;
- (d) all dividends and interest arising during the year out of the investment or use of the fund or any part thereof, and any capital moneys resulting from the realisation of investments, or from the repayments of moneys used temporarily for other authorised purposes ;
- (e) the amount of any transfer values, or additional contributory payments received by the Committee under these regulations.
- (f) any other sums which the Committee may become liable to carry to the fund under these regulations.

(3) If any moneys forming part of the superannuation fund are not for the time being required to meet payments to be made out of the fund, the Committee shall invest the moneys in securities in which trustees are authorised to invest, or may lend the moneys to any employing authority contributing to the fund for use for any purpose for which that authority have a statutory borrowing power, subject to the following conditions, that is to say :—

- (i) interest shall be paid to the fund on any moneys so used and for the time being not repaid at such rate per cent. per annum as may be determined by the administering committees to be equal, as nearly as may be, to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power ; and
 - (ii) the statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.
- (a) The Committee shall keep accounts of all financial transactions in connection with the superannuation fund.
 - (b) The Secretary shall close the Accounts of all the receipts and payments of the Superannuation Fund on the 31st day of March, 1951 and thereafter on the 31st day of March in each year, and shall forward a copy of such accounts duly signed and dated by him to the Ministry within four weeks after the close of the year.
 - (c) The accounts shall be audited by a Local Government Auditor, and for this purpose the Committee shall be deemed to be a public body within the meaning of Section 23 of the Local Government (Ireland); Act, 1902.
 - (d) A copy of the Local Government Auditor's Report, together

with an audited copy of the Accounts shall be forwarded to the Ministry and each employing authority.

(4) As soon as may be after the appointed day, the Committee shall obtain from an actuary a certificate as to the amount necessary to be paid annually into the superannuation fund during a period not exceeding forty years from the appointed day, in order that the fund may be solvent, and as to the part of such amount which is attributable to the employing authorities whose employees are contributory employees entitled to participate in the benefits of the fund.

(5) Upon the expiration of any period of five years from the end of the financial year comprising the date as at which the fund was last valued under these regulations, the Committee shall obtain from an Actuary an actuarial valuation of, and a report on, the assets and liabilities of the fund. Every valuation shall be a valuation as at the end of a financial year.

(6) The Committee may at any other time obtain a valuation and report.

(7) The Committee shall, forthwith upon receipt of any valuation or report, send a copy thereof to the Ministry.

(8) Where by any valuation and report a deficiency or a disposable surplus is disclosed, the Committee shall, within three months after receiving the valuation and report, make a scheme for making good the deficiency or, as the case may require, for disposing of the surplus.

Contributory Employees

3. On and after the appointed day the following officers of an employing authority shall be entitled to participate in the benefits of the superannuation fund maintained under these regulations, and persons so entitled shall contribute to that fund in accordance with the provisions of Regulation 5.

- (a) every whole-time officer whose duties are wholly or mainly administrative, professional or clerical ;
- (b) any other whole-time officer who enters their employment within twelve months after leaving any such employment as is mentioned in Regulation 15 (3) or, if he left that employment in order to undertake war service within six months after the termination of that service ;
- (c) any other whole-time officer, upon the expiration of a period of two years, after attaining the age of eighteen years, without a break of more than one month at any one time, in the employment of that or any other employing authority, as such whole-time officer or as such a part-time officer as is mentioned in sub-paragraph (f) of this Regulation ;
- (d) any part-time officer whose duties are wholly or mainly administrative, professional or clerical, and who devotes the rest of his time to employment under any other employing authority ;

- (e) any other part-time officer who enters their employment within twelve months after leaving any such employment as is mentioned in Regulation 15, or, if he left that employment in order to undertake war service, within six months after the termination of that service, and who devotes the rest of his time to employment under any other employing authority ;
 - (f) any other part-time officer who devotes the rest of his time to employment under any other employing authority, upon the expiration of a period of two years, after attaining the age of eighteen years, without a break of more than one month at any one time, in the employment of that or any other employing authority, as such part-time officer or as such a whole-time officer as is mentioned in subparagraph (c) of this regulation ;
- and the term " officer " shall be construed accordingly.

Participation in superannuation benefits

4. Every officer of an employing authority shall be entitled to participate in the superannuation benefits provided by these regulations, subject to and in accordance with the terms and conditions thereof.

Contributions

(a) *By Employees*

5.—(1) Subject to the provisions of these regulations every officer who has not attained pensionable age, in relation to his employment by an employing authority, shall contribute to the superannuation fund an amount equal to six per cent. of his remuneration for the time being : Provided that in the case of an officer whose employment is by way of manual labour, five per cent. shall be substituted for six per cent.

(2) Where an officer, owing to transfer to other employment under the same employing authority or an alteration in the remuneration of his employment, suffers a reduction in his remuneration, he shall continue to make contributions under this regulation as if his remuneration had not been reduced, unless he gives notice in writing to the employing authority, within one month after the reduction, or such longer period as the employing authority may in any particular case allow, that he does not wish this provision to apply to him.

(3) An officer who is on leave of absence from duty with reduced remuneration or without remuneration, shall continue to make contributions under this regulation on the remuneration on which he was making contributions immediately before he went on leave of absence, and, notwithstanding the provisions of any enactment, contributions by and in respect of him shall not be made during his absence, except in accordance with the provisions of this paragraph, for the purpose of his participation in superannuation benefits :

Provided that where the absence from duty is by reason of illness or injury the provisions of this paragraph shall not apply, unless the officer's remuneration is reduced solely by reason of his having become entitled to sickness benefit under the National Insurance Act (Northern Ireland) 1946.

(4) An officer who, by reason of the suspension of his remuneration owing to leave of absence from duty on account of illness or injury, is not required to make any contributions in respect of the period of such absence or any part thereof, shall, nevertheless, be deemed for the purposes of Regulation 16 (1) (a) to have made the contributions required by these regulations in respect of that period or part thereof.

(5) An existing officer who exercises his option to come within these regulations, shall, subject to the provisions of these regulations, and so long as he remains an officer of any employing authority, without any break of service of more than twelve months, pay an amount equal to three per cent. of the amount of his remuneration for the time being.

(6) An existing officer who, at any time, between the 1st day of April, 1939, and the 4th day of February, 1948, was employed by an employing authority in England and Wales or Scotland and was a contributor under the provisions of the Local Government Act, 1937, or the Local Government Act (Scotland), 1937, or any other approved Scheme, and on his appointment to an employing authority in Northern Ireland, was refunded his contributions, shall, on his paying into the fund, within a period of three months from the appointed day, a sum equal to the amount of the contributions returned to him, together with an amount equal to any Income Tax or equivalent sum which was deducted from his contributions in respect of such payments, be entitled to count as contributing service towards pension the service represented by such contributions, notwithstanding that a transfer value has not been paid into the fund by the employing authority in England and Wales or Scotland as the case may be. He shall also be entitled to reckon as non-contributing service any service which he is not entitled to reckon as contributing service.

(7) The employing authority may deduct from the remuneration payable to an officer the contributions payable by him and, in so far as deductions are not so made, they may recover any such contributions as a simple contract debt in any court of competent jurisdiction.

(b) *By Employing Authorities*

6.—(1) Every employing authority shall contribute to the superannuation fund an amount equal to eight per cent. of the remuneration of every contributing officer in their employment, or, if that remuneration is at any time reduced or suspended, of the remuneration which would be taken into account under the provisos to Regulation 18 in respect of the period of reduction or suspension, were the officer's average remuneration being calculated for a period which included that

period : Provided that in the case of an officer whose employment is by way of manual labour six per cent. shall be substituted for eight per cent.

(2) The amount (if any), certified by an actuary, necessary to be paid annually into the superannuation fund during a period not exceeding forty years from the appointed day in order that the fund may be solvent.

(3) The employing authority's contributions, and the officer's contributions, after they have been obtained from him by the employing authority, shall be paid by the authority to the Committee at such intervals as such Committee may determine.

Officer's pension and retiring allowance

7. An officer of an employing authority shall be entitled, on ceasing to be employed by them, to receive from the Committee —

(a) an annual pension, if either —

(i) he has completed ten years service and is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body ; or

(ii) he has attained the age of sixty years and completed ten years service ; and

(b) a lump sum retiring allowance, if he satisfies sub-paragraph (i) of paragraph (a) of this regulation, or has attained the age of sixty years and completed five years service.

Scales of pension and retiring allowance

8.—(1) The pension to be paid to an officer shall, subject to the provisions of these regulations, be on the following scale, that is to say—

(a) in respect of each year of contributing service, one-eightieth of his average remuneration ; and

(b) in respect of each year of non-contributing service, one one-hundred-and-sixtieth of his average remuneration :

Provided that the pension, apart from any reduction thereof under Regulation 29, shall not exceed forty-five-eightieths of the officer's average remuneration, and shall not in the case of a pension payable under Regulation 7 (a) (i) be less than twenty-eightieths of such remuneration, or one-eightieth of such remuneration in respect of each year of contributing service which he could have completed before attaining pensionable age, had he continued to be an officer, and one one hundred-and-sixtieth of such remuneration in respect of each year of non-contributing service, whichever is the less.

(2) The retiring allowance to be paid to an officer shall, subject to the provisions of these regulations, be a sum equal to the aggregate of the following amounts, namely, three-eightieths of his average remuneration in respect of each year of contributing service, and three one-hundred-and-sixtieths of such remuneration in respect of each year of non-contributing service :

Provided that —

- (a) in the case of a married male officer in respect of whose service a widow's pension may become payable under these regulations, the amount of the allowance shall be a sum equal to the aggregate of the following amounts, namely, one-eightieth of his average remuneration in respect of each year of contributing service and one one-hundred-and-sixtieth of such remuneration in respect of each year of non-contributing service ;
- (b) in the case of an officer who is a widower or who is divorced or judicially separated from his wife, the wife's death or the divorce or separation having taken place on or after the date on which he became subject to these regulations, the amount of the allowance shall be a sum equal to the aggregate of the following amounts, namely —
 - (i) three-eightieths of his average remuneration in respect of each year of contributing service since the date of his wife's death or the divorce or separation, as the case may be ;
 - (ii) one-eightieth of such remuneration in respect of each year of contributing service before that date ;
 - (iii) three one-hundred-and-sixtieths of such remuneration in respect of each year of non-contributing service since the date of his wife's death or the divorce or separation, as the case may be ; and
 - (iv) one one-hundred-and-sixtieth of such remuneration in respect of each year of non-contributing service before that date ;
- (c) if the contributing service of an officer who becomes entitled to a retiring allowance, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty-five years, the sum to be calculated under the foregoing provisions of this paragraph by reference to contributing service and non-contributing service shall be calculated by reference to the last forty-five years actual service, any non-contributing service within that period being reckoned as contributing service ; and
- (d) in the case of an officer to whom no pension is payable, if the amount of the allowance, calculated as aforesaid, is less than the amount of his contributions, together with compound interest thereon, the allowance shall be increased by the amount of the deficiency.

Injury allowance

9.—(1) Where an officer ceases to be employed in consequence of his being permanently incapacitated by an injury sustained by him in the actual discharge of his duty and specifically attributable to the nature of his duty, which is not wholly or mainly due to,

or seriously aggravated by, his own serious and culpable negligence or misconduct, or by a disease which he has contracted and to which he was exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, he shall be entitled to receive from the Committee an annual injury allowance of such amount, not exceeding two-thirds of his average remuneration, as the Committee considers reasonable, having regard to all the circumstances of the case, including any right to any benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, or any other statutory right to benefit or compensation or any right to a pension, retiring allowance or gratuity, whether under these regulations or otherwise.

(2) An injury sustained while the officer is, with the express or implied permission of the employing authority, travelling as a passenger by any vehicle to or from his place of employment shall, notwithstanding that he is under no obligation to the employing authority to travel by that vehicle, be deemed to have been sustained in the actual discharge of his duty, if —

(a) the injury would have been deemed to have been so sustained had he been under such an obligation; and

(b) at the time of the injury, the vehicle —

(i) was being operated by or on behalf of the employing authority by some other person by whom it was provided in pursuance of arrangements made with the employing authority; and

(ii) was not being operated in the ordinary course of a public transport service.

(3) If such a person as is mentioned in paragraph (1) of this regulation dies as a direct result of the injury he sustained or the disease he has contracted, the Committee may grant to his widow such gratuity or annual allowance as it may consider reasonable, having regard to all the circumstances of the case, including any right to any benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, or any other statutory right to benefit or compensation or any right to superannuation benefits, whether under these regulations or otherwise.

Short service gratuity

10. An officer who has completed five but less than ten years service, and who ceases to be employed through incapacity to discharge efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body shall be entitled to receive from the Committee a short service gratuity of a sum equal to the amount of his average remuneration:

Provided that if the officer is also entitled to a retiring allowance, the short service gratuity shall be reduced by the amount of the said allowance.

Allocation of part of pension or injury allowance to spouse or dependant

11.—(1) An officer, other than a married male officer in respect of whose service a widow's pension may become payable under these regulations, who becomes entitled to a pension or injury allowance may thereupon notify his desire, subject to and in accordance with the provisions of the First Schedule, to surrender part of the pension or allowance in consideration of the grant of a pension to the spouse or any dependant of the officer on his death of such value as is actuarially equivalent at the date on which he ceased to be employed to the value of that part of the pension or allowance which is surrendered.

(2) If an officer, other than such a married male officer as aforesaid, not having reached pensionable age, would, if he ceased to be employed, be entitled to a pension, and has completed forty-five years contributing service or forty-five years contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, or if an officer, other than such a married male officer as aforesaid, having reached pensionable age, would, if he ceased to be employed, be entitled to a pension, he may, at any time before ceasing to be employed, notify his desire to surrender part of the pension in accordance with the provisions of the preceding paragraph, and if he dies before having become entitled to the pension but after having so notified his desire to surrender a part of the pension, he shall be deemed to have become entitled to the pension to which he would have become entitled had he retired on the day preceding the date of his death.

Death gratuity

12. If —

- (a) an officer dies, and at the date of his death he had completed five years service ;
- (b) a person who has ceased to be an officer after completing five years service dies within twelve months after so ceasing to be an officer without having received a return of contributions or become entitled to any other benefit under these regulations, and without having again become entitled to participate in superannuation benefits ; or
- (c) a person dies after having become entitled to a pension or retiring or injury allowance or short service gratuity ;

then the Committee shall pay to his legal personal representatives a death gratuity of a sum equal to three-eightieths of his average remuneration in respect of each year of his contributing service and three one-hundred and-sixtieths thereof in respect of each year of his non-contributing service, or the amount of his contributions, together with compound interest on such amount, or, except in the case mentioned in paragraph (b) of this regulation, his average remuneration, whichever is the greatest :

Provided that —

- (i) in the case of a person in respect of whose death a widow's pension is payable under these regulations, the

amount of the death gratuity shall be a sum equal to one-eightieth of his average remuneration in respect of each year of his contributing service and one one-hundred-and-sixtieth thereof in respect of each year of his non-contributing service ; or if the capital value of the widow's pension is less than the amount of the death gratuity which would have been payable apart from this proviso, a sum equal to the difference between such capital value and such amount, whichever of the two sums is the greater.

- (ii) if in the case of any person the contributing service, together with the non-contributing service (if any) reckoned at half its actual length, exceeds forty-five years, the sum to be calculated by reference to contributing service and non-contributing service shall be calculated by reference to the last forty-five years of actual service, any non-contributing service within that period being reckoned as contributing service ; and
- (iii) in the case of a person who dies after having become entitled to a pension or retiring or injury allowance or short service gratuity, there shall be deducted from the death gratuity a sum equal to the aggregate amount of any payment made on account of that pension, allowance or short service gratuity, and, in addition, if the person was entitled to a pension or injury allowance, and had surrendered a part thereof, any sum which would have been paid on account thereof but for the surrender.

Widow's pension

13.—(1) The widow of a person who was entitled to a pension or injury allowance, or the widow of an officer who had completed not less than ten years service, shall be entitled to receive from the Committee an annual widow's pension :

Provided that the foregoing provision shall not apply, in the former case, if the marriage took place on or after the date on which the husband became entitled to the pension or allowance, or, in either case, if the husband, before ceasing to be employed, or, if he died while still an officer, before dying, had reached pensionable age or, not having reached pensionable age, would have been entitled to a pension on ceasing to be employed and had completed forty-five years contributing service, or forty-five years contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, and the marriage took place on or after the date on which he reached pensionable age or would have been so entitled to a pension as aforesaid, as the case may be, or if the husband and wife were judicially separated.

(2) The widow of such a person as is mentioned in Regulation 12 (b) shall be entitled to the like benefit (if any) by way of widow's pension as would have been granted if her husband had died immediately before ceasing to be an officer.

(3) The amount of the widow's pension shall be as follows —

(a) in the case of the widow of an officer, one-third of the pension which would have been payable to the officer had he become entitled to a pension under Regulation 7 (a) (i) on the day preceding his death ; and

(b) in the case of the widow of a person who was entitled to a pension or injury allowance, one-third of such pension or allowance :

Provided that —

(i) if any such pension as is mentioned in sub-paragraph (a) of this paragraph would have been reduced under the provisions of Regulation 29, no account shall be taken of the reduction, and any such pension as is mentioned in sub-paragraph (b) shall be deemed to be the pension that would have been payable but for any reduction under those provisions.

(4) A widow's pension which has been payable shall cease to be payable to a widow if she remarries, or in respect of any period during which she is cohabiting with a man as his wife.

(5) If on the remarriage or death of a widow to whom a widow's pension has been payable, the aggregate amount of the payments made to her, her husband or her husband's legal personal representatives by way of pension, retiring or injury allowance or death gratuity, is less than the amount of the death gratuity which would have been payable in respect of the death of her husband had no widow's pension been payable in respect thereof, there shall be paid to her or to her legal personal representatives, as the case may require, a sum equal to the deficiency.

Power to compound small annual benefits

14. Where any benefit payable under these regulations is an annual sum of an amount not exceeding twenty-six pounds, the Committee may discharge their liability in respect thereof by the payment of a lump sum representing the capital value of the annual sum.

Meaning of service

15.—(1) For the purposes of these regulations the term "service" in relation to an officer of an employing authority means :

(a) all employment under that authority of an existing officer before the appointed day which was reckonable at the appointed day for the purpose of calculations of superannuation benefits under

- (i) the Act of 1865 ;
 - (ii) the Act of 1869 ;
 - (iii) the Act of 1875 ;
 - (iv) the Act of 1919 ;
 - (v) any local Act ;
- (b) all continuous employment under that authority after the appointed day of any officer after attaining the age of eighteen years or, in the case of an officer referred to in paragraph (c) of Regulation 3, after the expiration of the period of two years after attaining the age of 18 years therein mentioned, and
- (c) any other employment or war service which by, or in pursuance of, these regulations is reckonable as service in relation to his employment as such officer ;

but does not include in the case of an officer who enters employment after having become entitled to superannuation benefits whether under these regulations or otherwise, employment in respect of which he became entitled to those benefits.

(2) If a person within twelve months after ceasing, after the appointed day, to be in the employment in which he is an officer, again becomes an officer in the said employment, he shall, subject to the provisions of paragraph (4) of this regulation be entitled to reckon as service and contributing service all periods of employment or war service which he was so entitled for the purposes of these regulations to reckon in relation to the said employment immediately before the date on which he ceased to be so employed.

(3) If a person within twelve months before entering the employment in which he is an officer, had been entitled, by virtue of employment subject to the provisions of any Superannuation Scheme approved by the Committee, to participate in Superannuation benefits, he shall be entitled, subject to the provisions of paragraph (4) of this regulation and paragraph (3) of Regulation 32, to reckon as service and contributing service in relation to the said employment in which he is an officer any period of employment or war service which would have been so reckonable for the purpose of such Scheme immediately before the date on which he left his former employment if he entered the said employment within twelve months after leaving his former employment, or if he left that former employment in order to undertake war service within six months after the termination of that service.

(4) The provisions of paragraph (2) or (3) shall not apply to any officer who does not, within three months after re-entering or entering their employment, give notice in writing of his previous period of employment and war service (if any) and pay or repay to that Authority an amount equal to any sum paid to him by way of return of contributions on or after his ceasing to hold his former employment, together with an amount equal to any income tax or equivalent sum which was deducted from his contributions in respect of such payment and in

respect of whom any transfer value paid or payment under Regulation 34 made by the Committee has not been refunded to the Committee.

(5) If under the last two preceding paragraphs there is reckonable any previous employment in the case of a person who becomes an officer of an employing authority after having been engaged in war service, and that war service would have been reckonable as service under the enactment or scheme to which he was subject before he ceased to be employed in order to undertake war service, had he again become subject to that enactment or scheme on the termination thereof the period of war service shall be reckonable as a period of service under these regulations.

(6) If a person becomes an officer of an employing authority by virtue of sub-paragraph (c) or (f) of Regulation 3, or if such person as is mentioned in either of these sub-paragraphs before completing the period of two years therein mentioned becomes an officer by virtue of sub-paragraph (a) or (d) of Regulation 3, then any previous periods of employment under any employing authorities which are included in the said period of two years shall be reckonable as service.

(7) In the case of an officer who was in the employment of an employing authority immediately before the appointed day and would otherwise be required to complete the period of two years after attaining the age of eighteen years mentioned in Regulation 3 (c), all continuous service after the appointed day shall be reckonable as service and the appropriate contributions shall be made in respect thereof.

(8) An officer of an employing authority who was in the employment of such authority immediately before the appointed day, shall be entitled, if he gives notice in writing to the Committee within three months after the appointed day, or such further time as the Committee may allow, that he intends to do so, to make payments in accordance with the provisions of the Second Schedule in respect of any whole-time service, under any employing authority, prior to the appointed day other than that mentioned in sub-paragraphs (a) and (b) of paragraph (1) of this regulation, and any period of such employment in respect of which such payments are made or are in course of being made shall be reckonable as service.

(9) If a person, after ceasing to be an officer of an employing authority (other than a person in respect of whom a transfer value was paid by the Committee or a payment was made under Regulation 32 (1), which transfer value or payment has not been refunded) re-enters the employment of that authority or any other employing authority in circumstances in which none of the preceding paragraphs of this regulation applies in his case, he shall be entitled, if he gives notice in writing to the employing authority within three months after entering their employment, that he intends so to do, to make payments in accordance with the provisions of the Second Schedule, as if any employment or war service which was reckonable as service at the date on which he ceased to be an officer was non-contributory service and any period of such employment or war service in respect of which such payments are made or are in course of being made shall be reckonable as service.

Reckoning of contributing service and non-contributing service

16.—(1) There shall be reckonable as contributing service in relation to the employment of an officer by an employing authority—

- (a) service in respect of which he has made the contributions required by these regulations ;
- (b) previous employment reckonable as service under sub-paragraph (a) of paragraph (1) of Regulation 15 ;
- (c) any period of employment or war service in respect of which the officer has made or is in course of making payments under paragraph (8) or (9) of Regulation 15 ; and
- (d) any other service which by virtue of these regulations is to be reckonable as contributing service.

(2) Any war service which is reckonable as a period of service under paragraph (5) of Regulation 15 in relation to any officer shall be reckonable as a period of contributing service if his service immediately before such war service is so reckonable.

(3) There shall be reckonable as non-contributing service in relation to the employment of an officer by an employing authority any service which is not reckonable as contributing service.

(4) Notwithstanding the provisions of the last preceding paragraph, any period of non-contributing service in respect of which the officer has made or is in the course of making payments in accordance with the provisions of the Second Schedule shall be reckonable as contributing service.

Method of calculating service, contributing service and non-contributing service

17. For the purpose of making any calculation under these regulations in respect of an officer's service :—

- (a) all periods of his service shall be aggregated ;
- (b) all periods of his contributing service shall be aggregated ;
- (c) his non-contributing service shall be calculated by deducting all completed years of his contributing service from his service, and if his non-contributing service as so calculated includes a fraction of a year, that fraction shall, if it exceeds six months, be treated as a year, and in any other case be disregarded :

Provided that for the purpose of calculating the amount of any benefit payable to or in respect of an officer employed whole-time in a single employment who had formerly been employed in a part-time capacity, the period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

Meaning of average remuneration

18. For the purposes of these regulations, the average remuneration of a person in relation to his employment as an officer by an employing authority means the annual average of the remuneration of his employment by that authority, and of any other employment or war service

reckonable by him as contributing service or non-contributing service in relation to that employment, for an aggregate period of three years during which he was so employed or engaged in war service as aforesaid, ending on the date on which he ceased to hold his employment as such officer, or, if he died while still such officer and before attaining pensionable age, the date of his death :

Provided that —

- (a) in the case of an officer who, on a reduction in his remuneration, made contributions in accordance with Regulation 5 (2), the remuneration on which he so made contributions in respect of the period during which his remuneration was reduced shall be deemed to have been the remuneration of his employment during that period ;
- (b) in the case of an officer who made contributions in accordance with Regulation 5 (3), the remuneration on which he so made contributions shall be deemed to have been the remuneration of his employment ;
- (c) in the case of an officer whose remuneration was reduced or suspended by reason of his absence from duty owing to illness or injury, no account shall be taken of the reduction or suspension ;
- (d) the remuneration of an officer in respect of any period of war service which is reckonable as service under Regulation 15 (5) shall be deemed to have been the remuneration of the employment he left to engage in war service ;
- (e) if the officer, having been previously engaged in whole-time employment, is engaged in the part-time employment of each of two or more authorities, the remuneration of the whole-time employment shall be treated as attributable to those part-time employments and shall be apportioned between them ; and
- (f) the average remuneration of an officer whose contributing service and non-contributing service is less in the aggregate than three years shall be deemed to be the annual average of his remuneration for such shorter period.

Return of contributions

19—(1) Every officer who, on ceasing to be employed, is not entitled to a pension or retiring or injury allowance or a short service gratuity, and any person who, though not ceasing to be employed, ceases to be an officer to whom these regulations apply, shall be entitled to receive from the Committee a return of his contributions, together with compound interest thereon :

Provided that —

- (a) if an officer ceases to be employed by reason of his resignation or dismissal in consequence of an offence of a fraudulent character or of misconduct committed by him in connection

with the performance of the duties of his employment or otherwise in relation to his employment, there shall be no right to a return of contributions, but the Committee may, if it thinks fit, return to him or pay to his spouse or any dependant a sum equal to the whole or a part of his contributions, with interest ; and

- (b) if any of the contributions were made under an enactment or scheme in the benefits of which the person participated before becoming an officer, and the officer has ceased to be employed in circumstances in which under that enactment or scheme those contributions would have been returnable or might have been returned without interest, no interest shall be calculated on the contributions so made up to the date on which he became an officer.

(2) If an officer dies, and no death gratuity is payable in respect of his death his legal personal representatives shall be entitled to receive from the Committee the amount of his contributions, together with compound interest thereon.

(3) References in these regulations to an officer's contributions include references to :—

- (a) any sums contributed by him under Regulation 5 ;
(b) any sums paid by him by way of additional contributory payments ;
(c) any sums contributed by him under any scheme approved by the Committee under Regulation 15 (3) ;

but only in so far as any such sums have not been returned to and retained by him, and are attributable to service which might have been reckoned under these regulations in relation to the employment he has ceased to hold or in which he has died.

Calculation of interest on contributions

20. Where under any of these regulations provision is made for the calculation of compound interest on the contributions of an officer, that calculation, unless otherwise provided, shall be made at the rate of two and one-half per cent. per annum, with yearly rests, up to the date of his death, or, if he ceased to be an officer before he died, the date on which he ceased to be an officer, and shall begin to run from the first day of the year commencing on the first day of April following the year in which the contributions were made :

Provided that —

- (a) if any of the contributions were made under an enactment or scheme in the benefits of which the officer participated before becoming an officer, and that enactment or scheme made provision for the calculation of interest on contributions returned thereunder in a different manner from that provided by this regulation, interest on the contributions so made shall

be calculated in the manner provided by that enactment or scheme up to the date on which he became an officer, or, if he received a return of those contributions before that date, up to the date of such return ; and

- (b) where an officer, having received a return of contributions on or after ceasing to hold some former employment, has paid or repaid those contributions to the employing authority in accordance with Regulation 15 (4), then —
- (i) if those contributions were so returned without interest, the interest thereon shall not begin to run until the first day of the year following that in which those contributions were so paid or repaid as aforesaid ; and
 - (ii) if those contributions were so returned with interest, no interest shall be calculated thereon between the date on which they were returned and the first day of the year following that in which they were so paid or repaid as aforesaid.

Conditions attaching to grant of pension or injury allowance

21.—(1) Where a person who has not attained the age of sixty years is in receipt of a pension under Regulation 7 (a) (i) or an injury allowance, and the Committee is satisfied that he has become capable of resuming the duties of his employment, it may require him to enter the employment of any employing authority in any capacity for which his previous experience may render him suitable, and if he declines to enter that employment, or declines or neglects to discharge satisfactorily the duties thereof, he shall not be entitled to any payment on account of the pension or allowance in respect of any period before he attains the age of sixty years :

Provided that the Committee shall not require a person to whom this paragraph applies to enter the employment of an employing authority if that person has entered or enters any other employment approved by the Committee, so long as he continues in employment so approved.

(2) The Committee may require a person to whom paragraph (1) of this regulation applies to submit himself to a medical examination by a registered medical practitioner selected by the Committee, and, if it does so, it shall also offer the person an opportunity of submitting a report from the person's own medical adviser as a result of an examination made by him, and the Committee shall take that report into consideration, together with the report of the medical practitioner selected by the Committee.

(3) If a person fails to comply with a requirement made under the last preceding paragraph he shall be treated as if the Committee were satisfied that he had become capable of resuming the duties of his employment.

(4) Where the Committee is satisfied that a person to whom paragraph (1) of this regulation applies is capable of resuming the duties of

his employment but the person is unwilling to accept employment under an employing authority which has been offered to him, and the Committee has not approved any other employment he may have entered or proposes to enter, the Committee, before requiring him to enter the employment which has been offered to him or any other employment, shall refer the matter to a referee or board of referees designated for the purpose by the Ministry of Labour and National Insurance for Northern Ireland and shall consider the advice they tender, after having interviewed the person and afforded him an opportunity of stating his case, as to whether, regard being had to his previous experience and all the circumstances of the case, it being assumed that he is capable of resuming the duties of his employment, it would be reasonable to require him to enter the employment which has been offered to him or any other employment specified by the referee or board of referees.

Pensioner accepting further employment

22.—(1) Where a person entitled to a pension or injury allowance enters employment, whether pursuant to the provisions of the last preceding regulation or otherwise, the remuneration of which is payable out of public funds, he shall not, so long as he holds that employment, be entitled to receive any greater amount of the pension or allowance than would make up the amount, if any, by which the annual emoluments of that employment fall short of the annual remuneration or average remuneration of the employment in relation to which he became entitled to the pension or allowance, whichever is the greater.

(2) Where such a person as aforesaid, (other than a person to whom Regulation 21 applies) proposes to accept further employment the remuneration of which will be payable out of public funds, he shall inform his prospective employer that he is so entitled, and, if he enters that employment, shall forthwith give notice in writing to the Committee that he is so employed.

Option to existing officers to come within Regulations

23. Where an officer in the employment of any employing authority is subject to the provisions of —

- (a) the Act of 1865 ;
- (b) the Act of 1869 ;
- (c) the Act of 1875 ;
- (d) the Act of 1919 ; or
- (e) any local Act, and

wishes to avail himself of the benefits provided by these regulations, he shall notify the employing authority in writing within three months of the appointed day to this effect.

Benefits of existing officers who exercise the option to come within Regulations

24.—(1) The provisions of this regulation shall apply in the case of any officer to whom the last preceding regulation applies and who exercises the option thereby conferred.

(2) The amount of any retiring allowance payable to any such officer shall be increased by one-half per cent. in respect of each year of contributing service :

Provided that where the whole or any part of the retiring allowance payable to the officer in respect of any such period as is mentioned in this paragraph falls to be calculated, in the case of any year of contributing service by reference to one-eightieth of the officer's average remuneration, one and one-half per cent. shall be substituted for one-half per cent. in respect of each such year of contributing service.

Persons subject to non-statutory superannuation schemes and arrangements

25.—(1) Where an employee of an employing authority was, immediately before entering the employment of that authority, subject to either the Superannuation Scheme operated under the Federated Superannuation System for Universities or the Federated Superannuation Schemes for Nurses and Hospital Officers or to any other scheme approved by the Committee for the purposes of this paragraph, then, subject to the provisions of paragraph (2) of this regulation, the employing authority may, with the approval of the Committee and with the consent of the body administering the scheme and subject to such arrangements as it may make with that body, pay the contributions authorised or required by the scheme to be paid by the employer and in that event the provisions of this regulation shall apply to such employee, but no other provisions of these regulations shall apply to him.

(2) The provisions of paragraphs (1), (2) or (3) of this regulation shall only apply to an employee (a) if he so requests the employing authority in writing within three months after becoming such employee, and (b) so long as he remains without a break of more than a month at any one time an officer in the employment of any employing authority.

(3) Where contributions are paid by the employing authority under any of the foregoing provisions of this regulation in respect of any person the employing authority shall deduct from that person's remuneration the amount of the contributions required by the scheme to be paid by the employee, and shall pay the same to such Scheme, together with the requisite contributions payable by the employing authority.

Benefits in case of late entrants

26. Where a person who becomes an officer of an employing authority after attaining the age of thirty-five years is not entitled to reckon any previous employment as service, the Committee may, if satisfied that there are exceptional reasons for so doing, within six months after his

becoming an officer, direct that the length of his service as such officer shall for the purposes of determining whether he is entitled to any benefit under these regulations and of calculating any such benefit be treated as eight-fifths of the actual length thereof :

Provided that —

- (a) no account shall be taken of the service of an officer in respect of whom a direction is given before attaining the age of forty years ; and
- (b) notwithstanding the direction, this regulation shall not have effect so as to prevent or reduce any benefit under these regulations which might have been granted had the direction not been given.

Holders of joint appointments

27. Where one of the holders of a joint appointment under an employing authority ceases to hold his appointment and the appointment of the other is thereby determined, then that other, if he is an officer to whom this Part applies, and has either attained the age of fifty years and completed ten years service, or has completed twenty years service, shall be entitled to receive a pension and retiring allowance, calculated in accordance with the provisions of Regulation 8 :

Provided that this regulation shall not apply in any case where a joint appointment is determined in consequence of the misconduct of one of the holders thereof.

Female Nurses, Health Visitors, Physiotherapists and Midwives

28. These regulations, in their application to Female Nurses, Health Visitors, Physiotherapists and Midwives shall have effect subject to the modification that in Regulations 7 and 21 fifty-five years shall be substituted for sixty years.

Modification of benefits and obligations under these regulations in connection with the National Insurance Act (Northern Ireland), 1946

29.—(1) Subject to paragraphs (4) to (7) of this regulation the provisions of these regulations shall apply in relation to every officer of an employing authority, subject to the modifications contained in paragraph (2) of this regulation, and in relation to every person in receipt of a pension under these regulations, subject to the modifications contained in paragraph (3).

(2) The amount of the contributions to be paid by an officer under Regulation 5 shall be reduced at the rate of three pounds and eightpence per annum in the case of a man or a female nurse, health visitor, physiotherapist or midwife, and at the rate of three pounds and five shillings per annum in the case of a woman other than a female nurse, health visitor, physiotherapist or midwife, and the amount of the contributions to be paid in respect of the officer by the employing authority shall be reduced at the like rate.

(3) As from the date on which an officer becomes entitled to a pension under these regulations, or, if on becoming entitled to such pension he has not reached pensionable age within the meaning of the National Insurance Act (Northern Ireland), 1946, as from the date on which he reaches that age, the pension shall be reduced by the sum of one pound and fourteen shillings per annum for each year of contributing service after the appointed day aforesaid, and by the sum of seventeen shillings for each year of non-contributing service on and after that day :

Provided that in the case of officers subject to the provisions of a local Act by virtue of which pensions were to be calculated having due regard to, or subject to a maximum which had regard to sums payable under one or more of the following Acts, that is to say, the National Health Insurance Acts (Northern Ireland) 1936 to 1946, the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1946, the pension shall be reduced by the said respective sums per annum for each year of contributing or non-contributing service whether before or after the appointed day.

(4) In the case of an officer who would, if he ceased to be employed, be entitled to a pension, and who has completed forty years contributing service, or forty years contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, any further service shall be disregarded for the purposes of paragraph (3) of this regulation.

(5) Paragraph (1) of this regulation shall not apply in the case of any person who in pursuance of paragraph (a) of sub-section (3) of section 68 of the National Insurance Act (Northern Ireland), 1946, is deemed to attain pensionable age on the expiration of ten years from the appointed day for the purposes of that section.

(6) Where a person is an officer in the part-time employment of two or more employing authorities, paragraph (1) of this regulation shall only apply in relation to him in his employment under that employing authority which is treated as his employer for the purposes of the National Insurance Act (Northern Ireland), 1946.

(7) Where a person is an officer of an employing authority on the appointed day other than an officer mentioned in the proviso to paragraph 3 of this regulation or where a person is on war service on the said appointed day and becomes an officer of an employing authority within six months after the termination of that service, then, unless he gives notice in writing to the employing authority within three months after the said appointed day or the date of his becoming an officer, as the case may be, that he wishes paragraph (1) of this regulation to apply in his case, that paragraph shall not apply in relation to him, so long as he is an officer of an employing authority without any break of more than twelve months, and in the event of his giving such notice as aforesaid that paragraph shall apply in relation to him as from the first day of the month or, in the case of a person in receipt of weekly

remuneration, the first day of the week, next following the month or week as the case may be, in which the notice is given :

Provided that a person to whom this paragraph applies shall not be treated as having had such a break as aforesaid if at any time he ceases to be an officer of an employing authority in order to undertake war service but re-enters employment in that capacity within six months after the termination of that service.

(8) If during any period an officer pays no contributions under these regulations by reason of the fact that the amount of the reduction in his contributions provided for by this regulation equals or exceeds the amount of his contributions, he shall nevertheless be deemed for the purposes of Regulation 16 (1) (a) to have made the contributions required by these regulations in respect of that period.

Special conditions as to benefits

30.—(1) If the Committee is of opinion that any service in respect of which an officer becomes entitled to any benefit under these regulations has been or will be taken into account for the purpose of any other benefit which has or may become payable to him out of public funds, the Committee may make such deduction from the benefit under these regulations as may appear to it to be equitable, in order to secure that the officer may not receive in respect of the same service a benefit under these regulations as well as such other benefit as aforesaid.

(2) A pension or other benefit to which an officer, or the spouse or dependant of an officer, becomes entitled under these regulations shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable or chargeable with his debts or other liabilities.

Forfeiture of rights

31. An officer who is dismissed, resigns or otherwise ceases to hold his employment in consequence of an offence of a fraudulent character or of grave misconduct committed by him in connexion with the performance of the duties of his employment or otherwise in relation to his employment shall, if the Committee so directs, forfeit all claim in respect of his previous service to any superannuation benefits, whether provided under these regulations or under any enactment or scheme.

PART II

MISCELLANEOUS

Rights on transfer to other superannuation schemes and approved employment

32.—(1) Where a person within twelve months after ceasing to be employed as an officer by an employing authority and without having received a return of contributions or become entitled to any other benefit under these regulations becomes a participant in the superannuation scheme operated under the Federated Superannuation

System for Universities or the Federated Superannuation Scheme for Nurses and Hospital Officers or any other superannuation scheme approved by the Committee, he may within three months thereafter notify the Committee that he desires the provisions of this paragraph to apply to him, and, in that event, the Committee may, if the body administering the scheme undertakes to invest or secure the investment of such sum for his benefit under the scheme, and to comply with the provisions of the next succeeding paragraph, pay to that body a sum not exceeding the amount of the transfer value which would have been payable under Regulation 34 had he become an employee of an employing authority in circumstances to which that regulation applies.

(2) If a person to whom the preceding paragraph has been applied ceases to participate in the scheme in circumstances in which the only benefit to which he becomes entitled is a sum by way of the return of any of his contributions thereunder, the body administering the scheme shall also pay to him a sum equal to the amount which would have been paid to him by way of a return of his contributions under these regulations on his ceasing to be employed as an officer of an employing authority, and shall refund to the Committee an amount equal to the sum paid by the Committee under the preceding paragraph in respect of him, after the deduction therefrom of a sum equal to the amount paid to him by way of a return of his contributions under these regulations, and the addition thereto of an amount equal to interest on the sum so paid by the Committee, as from the date of payment, at the rate which would have been payable under the scheme on contributions returned thereunder at the date on which the sum was paid by the Committee.

(3) If such a person as is mentioned in the last preceding paragraph, within twelve months after ceasing so to participate in the scheme and within five years after ceasing to be employed as an officer by an employing authority, again becomes an officer of an employing authority to whom Part I of these regulations applies, he shall be entitled, if he pays or repays to the employing authority any contributions under these regulations returned to him by the body administering the scheme, to reckon as service and contributing service respectively, all periods of employment or war service which he was so entitled to reckon in relation to his employment under the former employing authority immediately before the date on which he ceased to be employed by them.

(4) Where a person within twelve months after ceasing to be employed as an officer by an employing authority, and without having received a return of contributions or become entitled to any other benefit under these regulations, enters employment in which he does not become entitled to reckon his service under these regulations for the purpose of participating in any superannuation benefits, otherwise than for the sole purpose of determining whether any such benefits are payable, he may, unless he is a person to whom paragraph (1) of this regulation has been applied, within three months after entering

that employment, apply to the Committee to approve the employment for the purposes of this paragraph, and if the employment is so approved and —

- (a) if he ceases to hold that employment, or any other employment approved by the Committee for the purposes of this paragraph, in such circumstances, including that of his age, as, had they obtained when he ceased to hold his employment under the employing authority, would have entitled him to any benefit under these regulations, the Committee may grant him that benefit, as from the date on which he ceases to hold the approved employment, calculated as if he had become entitled to that benefit at the date on which he ceased to be an officer of the employing authority ;
- (b) if he dies while in approved employment, the Committee may grant the like benefits (if any) by way of widow's pension and death gratuity as would have been granted if he had died immediately before he ceased to be employed by the employing authority ; or
- (c) if within twelve months after ceasing to hold approved employment he again becomes an officer of an employing authority to whom Part I of these regulations applies, he shall be entitled to reckon as service, and contributing service respectively all periods of employment or war service which he was so entitled to reckon in relation to his employment under the former employing authority immediately before the date on which he ceased to be employed by them :

Provided that in the application of Regulation 12 for the purpose of sub-paragraph (b) of this paragraph the reference to a sum equal to his average remuneration shall be disregarded.

Transfer values payable to the Committee

33.—(1) Where an existing officer within the period of three months beginning on the appointed day, elects that the regulations shall apply to him, the local authority by whom he is employed shall pay a transfer value to the Committee calculated in accordance with the provisions of the Third Schedule.

(2) Any sum payable to the Committee in accordance with paragraph (1) of this regulation shall—

- (a) where the authority liable to make such payment is the Council of a county or a rural district council be defrayed out of the county rate or fund or the poor rate, as the case may be ;
- (b) where the authority liable to make such payment is the council of a county borough, of a borough, of an urban district, of a body of town commissioners, or of a joint committee, be defrayed as expenses of that authority under the Public Health Acts (Northern Ireland), 1878 to 1946.

(3) A transfer value payable on the appointed day under paragraph (1) of this regulation may, with the Committee's consent, be paid by instalments of equal amounts spread over a period of not more than forty years after the appointed day, the first instalment to become payable on that date, and compound interest shall be payable on the amount for the time being unpaid at the rate of three per cent. per annum.

(4) Where a transfer value under paragraph (1) of this regulation becomes payable by two or more local authorities jointly, the sum payable shall be apportioned amongst those authorities in such manner as they may agree or, in default of agreement, as may be determined by the Committee.

(5) Where a person becomes an officer of an employing authority within twelve months after ceasing to be a contributor to a scheme approved by the Committee under Regulation 15 (3), not being a scheme for providing superannuation benefits by means of contracts or policies of insurance made or effected with any of the Life Assurance Companies, and without having become entitled to any benefit under the scheme other than a return of contributions, the body administering the scheme or any persons maintaining any fund for the purposes of the scheme or the successors in title of either that body or those persons shall, if the Committee so requires, pay to the Committee a transfer value of such amount as the Committee may determine to be actuarially equivalent to the liability of which the body administering the scheme or any such fund as aforesaid is relieved as a result of that person ceasing to be subject to the scheme and becoming an officer of an employing authority.

Transfer values payable by the Committee

34. Where a person within twelve months after leaving employment as an officer of an employing authority and without having become entitled to any benefit under these regulations other than a return of contributions, enters employment subject to the provisions of a Scheme approved by the Committee under Regulation 15 (3), a transfer value calculated in accordance with the provisions of the Fourth Schedule shall be payable by the Committee to the body administering such Scheme.

Provided that if a person, who, on or after leaving the employment of an employing authority, received a return of contributions, and does not, within three months after entering his new employment, pay to the body administering such Scheme an amount equal to any sum paid to him by way of return of contributions on or after ceasing to hold his former employment, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment, any transfer value received in respect of him shall be refunded.

Persons engaged on war service

35. If any person, immediately before becoming engaged on war service, was subject to the provisions of any such enactment or

scheme as is mentioned in Regulation 23, he shall be deemed for the purposes of these regulations to have been so subject immediately before becoming an officer of an employing authority.

Determination of questions

36. Any question arising under these regulations as to the rights or liabilities of an officer of an employing authority or of a person claiming to be treated as such shall be determined by the county court judge having jurisdiction in the county in which the officer or person is employed, or where the officer or person is employed in two or more counties, in one of these counties. Rules of Court regulating the procedure and costs of an appeal to the County Court under this regulation shall be made by the County Court Rules Committee.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 21st day of June, 1950, in the presence of

(L.S.)

L. G. P. Freer,
Secretary.

SCHEDULES

Regulation 11

FIRST SCHEDULE

Allocation of Part of Pension or Injury Allowance

1. A person shall not surrender —
 - (a) more than one-third of the injury allowance to which he is entitled or of the pension to which he is entitled or, in a case in which Regulation 29 applies, the pension to which he would be entitled apart from the provisions of that regulation ;
 - (b) any such part as would make the amount of the reduced pension or allowance which is or may become payable to him less than the amount of the pension which might become payable to the person in whose favour the allocation is made (hereinafter referred to as the "beneficiary") ;
 - (c) a smaller part than would secure for the beneficiary a pension equal to one-fourth of the amount of the reduced pension or allowance ; or
 - (d) any part which is not an exact number of pounds.
2. The amount of pension payable in return for each one pound of a pension or injury allowance surrendered by a person shall be the amount shown in the Tables in force at the date on which the person becomes or is deemed to have become entitled to the pension or allowance which is appropriate to the age and sex of the beneficiary.
- 3.—(1) Upon a person becoming eligible to notify his desire to surrender part of his pension or injury allowance, the employing authority shall furnish him with a copy of Regulation 11 and of this schedule, and of the Tables for the time being in force, together with two copies of a form of notification of surrender of pension or injury allowance, and, in the case of an officer to whom Regulation 11 (2) applies, a provisional estimate of the value of the pension that may become payable to him.
- (2) A person to whom Regulation 11 (1) applies, and who desires to surrender a part of his pension or injury allowance, shall notify the employing authority accordingly not later than one month after the date on which he ceases to be employed.
4. For the purpose of notifying his desire to surrender a part of his pension or injury allowance, a person shall complete the form provided for the purpose, and send it, together with a copy thereof, to the employing authority whose officer he is or was, and they shall transmit the original to the Committee.
5. On receipt by the Committee of a notification given by a person under the last preceding paragraph —

- (a) the Committee shall arrange for the person to be examined by a registered medical practitioner nominated by the Committee, with a view to obtaining from such practitioner a report stating whether, in his opinion, the person is in good health, regard being had to his age ; and if the opinion stated in such report is that he is not in good health, the Committee shall notify him accordingly, and offer him an opportunity of a further examination by some other registered medical practitioner nominated by the Committee ;
- (b) the Committee shall require the person to furnish at his own expense —
- (i) a certified copy of his birth certificate, except where the date of birth has been duly recorded by the Committee and is not disputed ; and
 - (ii) with respect to the beneficiary, a birth certificate, a marriage certificate (in the case of a spouse) and any other information or evidence which the Committee may consider necessary :

Provided that if for any reason a birth certificate or a marriage certificate cannot be supplied, the Committee may accept such other evidence of age or marriage as it may think fit.

6. Any fee payable to a practitioner in respect of an examination and report under the last preceding paragraph shall be paid by the person examined at the time of the examination.

7.—(1) Subject to the provisions of these regulations, unless the Committee is of opinion, on a consideration of a report obtained by it under paragraph 5 of this schedule, that the person to whom the report relates is not in good health, or unless it is of opinion that the evidence produced in regard to age or marriage is not satisfactory, it shall accept the surrender of such part of the pension or injury allowance as is specified in the person's notification and as is in conformity with this schedule, and shall grant to the beneficiary named in the notification a pension in accordance with the provisions of paragraph 2 of this schedule.

(2) As soon as practicable after coming to a decision in regard to a notification given by a person, the Committee shall inform him whether or not the notification has been accepted, and if it has been accepted, shall furnish him with a statement as to the amount of the pension to which the beneficiary may become entitled after his death, and the amount of the reduced pension or injury allowance that is or may become payable to him, and, if the notification has not been accepted, shall inform him of the reason.

8.—(1) An officer to whom Regulation 11 (2) applies may, at any time before he ceases to be employed, cancel or amend a notification given by him by a notice in writing addressed to the Committee.

(2) An amendment of a notification shall be disregarded if the notification as so amended does not comply with this schedule.

9.—(1) A notification given by a person to whom Regulation 11 (1) applies shall become null and void if the beneficiary dies before the Committee accepts the notification, and a notification given by an officer to whom Regulation 11 (2) applies shall become null and void if the beneficiary dies before midnight on the day on which the officer ceases to be employed.

(2) Subject as aforesaid, a surrender of part of a pension or injury allowance accepted in pursuance of a notification shall have effect as from the date on which the pension or allowance becomes payable.

SECOND SCHEDULE

Regulations
15, 16.

Additional Contributory Payments.

1. The sum payable by an officer who desires to reckon any period of non-contributing service as contributing service shall be calculated in accordance with the provisions of paragraph 6 of this schedule, and may be paid upon the officer's notifying the employing authority in writing within three months after the appointed day or such further time as may in any case be determined of his becoming an officer that he intends to make a payment under this paragraph (the date of such notification being hereinafter referred to as "the material date") :—

- (a) in a lump sum accompanying such notification ;
- (b) partly in a lump sum, of not less than one-tenth of the sum payable, accompanying such notification, and as to the remainder, and subject as hereinafter

provided, by such instalments as within three months after the material date may be agreed between the officer and the employing authority ; or

(c) wholly, subject as hereinafter provided, by such instalments as aforesaid.

2. The instalments of any sum payable under the preceding paragraph shall be of equal amounts spread over a period of not more than ten years after the material date, the first instalment to be paid within four months after the material date :

Provided that the whole of the instalments shall be payable before the date on which the officer will attain the age at which he may become eligible for a pension under these regulations on ceasing to be employed.

3. While any instalment of any sum payable under this schedule remains to be paid, the following provisions shall have effect —

(a) compound interest shall be payable as from the material date upon the amount for the time being unpaid, and shall be calculated at the rate of two-and-one-half per cent. per annum ;

(b) if the officer becomes entitled to a pension or retiring allowance under these regulations, or if a widow's pension becomes payable thereunder on his death to his widow or if a death gratuity becomes payable in respect of him, a deduction in respect of any amount due may be made from any payments on account thereof ;

(c) if the officer becomes entitled to an injury allowance or dies without having become entitled to a pension or retiring allowance and without leaving a widow entitled to a widow's pension under these regulations, and no death gratuity is payable in respect of him, all liability in respect of the balance of the debt shall cease ;

(d) if the officer ceases to hold his employment without having become entitled to a pension or retiring allowance, then, at the expiration of twelve months, the officer shall cease to be entitled to any rights in respect of payments made by him on account of the debt, except any right to a return of the amount of such payments, and his liability in respect of the balance of the debt shall cease, unless within that period the officer—

(i) enters employment in which he is an officer of an employing authority, in which event, subject as hereinafter provided, his liability in respect of the balance of the debt shall continue, and the officer shall pay or repay an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return ; or

(ii) enters employment subject to the provisions of a Scheme approved by the Committee under Regulation 15 (3), in which event, subject as hereinafter provided, the right to receive the balance of the debt shall be deemed, with the consent of the body administering the Scheme, to be transferred to that body and the officer shall pay to that body an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return ;

(e) if the officer ceases to hold any employment by virtue of his entry into which his liability in respect of the balance of the debt has been continued in accordance with the provisions of the last preceding sub-paragraph, the provisions of that sub-paragraph shall apply, with any necessary modifications, and shall continue so to apply, whenever the officer ceases to hold employment during which he has been making, but has not completed making, payments on account of the debt ; and

(f) the provisions of sub-paragraphs (b) and (c) of this paragraph shall apply, with any necessary modifications, whenever the officer is employed in circumstances in which his liability in respect of the balance of the debt is continued under the provisions of sub-paragraph (d) or (e) of this paragraph.

4. Where the last preceding paragraph applies in relation to a person who at any time enters two or more employments, or who simultaneously becomes a part-time officer under the authority in whose employment he is and enters the employment of another authority, the right to receive the balance of the debt shall be apportioned between the authorities concerned in such manner as the Committee shall direct.

5. Any sum payable under this schedule by an officer of an employing authority shall be paid to the employing authority for transmission to the Committee.

6.—(1) For the purpose of calculating the sum to be paid by an officer under this schedule the relative Table set out below shall be used in accordance with the provisions of this paragraph.

(2) The age and remuneration of an officer means his age at the material date and the annual remuneration on which he is paying contributions on that date :

Provided that —

- (a) if for the purposes of the foregoing provision account is required to be taken of any fees payable to an officer in respect of any service, the amount thereof shall be taken to be the annual average of the fees payable to him in respect of that service during the three years immediately preceding the material date or, if that service was of shorter duration, such shorter period ;
 - (b) references to contributions payable by any person shall include references to contributions which would have been payable by him but for any reduction in or suspension of his remuneration by reason of his absence from duty owing to ill-health or injury.
- (3) The amount shown in Table I (a), I (b), II, III or IV, as the case may require, in relation to an age which corresponds with that of the officer is an amount appropriate in respect of one hundred pounds of remuneration. A total amount is to be calculated proportionately by reference to the remuneration of the officer. Such total amount is the sum payable by the officer in order to reckon as contributing service one year of the non-contributing service which he is entitled to reckon on the material date.
- (4) The sum payable by an officer in order to reckon as contributing service more than one year of the non-contributing service which he is entitled to reckon at the material date is the amount calculated in accordance with sub-paragraph (3) of this paragraph, multiplied by the number of years of said service which the officer desires so to reckon.
- (5) Any sum payable by a person to whom paragraph (1) of Regulation 29 applies, in respect of any period of non-contributing service of which account would be taken under paragraph (3) of Regulation 29 in calculating the amount of the reduction of any pension to which the person might become entitled under these regulations, shall be reduced by the sum shown in the appropriate column of Table V in relation to an age which corresponds with that of the person at the material date, in respect of each one pound of the amount of the reduction of the pension as aforesaid in respect of that period of service, and by a proportionate sum in respect of any fraction of a pound included in the said amount.

Superannuation

TABLE I

(a) SERVICE OF A MALE OFFICER, NOT BEING AN OFFICER MENTIONED IN TABLE IV.

Age	Amount appropriate in respect of each £100 of remuneration	Age	Amount appropriate in respect of each £100 of remuneration
Under 31 ...	£ s. 5 15	48 and under 49	£ s. 7 1
31 and under 32	5 16	49 " " 50	7 3
32 " " 33	5 17	50 " " 51	7 6
33 " " 34	5 18	51 " " 52	7 9
34 " " 35	5 19	52 " " 53	7 12
35 " " 36	6 0	53 " " 54	7 16
36 " " 37	6 1	54 " " 55	8 0
37 " " 38	6 2	55 " " 56	8 4
38 " " 39	6 3	56 " " 57	8 9
39 " " 40	6 4	57 " " 58	8 14
40 " " 41	6 5	58 " " 59	8 19
41 " " 42	6 7	59 " " 60	9 5
42 " " 43	6 9	60 and over ...	£9 5s. less six shillings for each completed year by which the officer's age exceeds sixty years.
43 " " 44	6 11		
44 " " 45	6 13		
45 and under 46	6 15		
46 " " 47	6 17		
47 " " 48	6 19		

(b) SERVICE OF A FEMALE OFFICER, NOT BEING A FEMALE OFFICER MENTIONED IN TABLE II OR III.

Under 26 ...	£ s. 5 14	45 and under 46	£ s. 7 15
26 and under 27	5 15	46 " " 47	7 19
27 " " 28	5 16	47 " " 48	8 2
28 " " 29	5 17	48 " " 49	8 6
29 " " 30	5 18	49 " " 50	8 0
30 " " 31	6 0	50 " " 51	8 14
31 " " 32	6 2	51 " " 52	8 18
32 " " 33	6 4	52 " " 53	9 3
33 " " 34	6 6	53 " " 54	9 7
34 " " 35	6 8	54 " " 55	9 12
35 " " 36	6 10	55 " " 56	9 17
36 " " 37	6 12	56 " " 57	10 2
37 " " 38	6 14	57 " " 58	10 7
38 " " 39	6 16	58 " " 59	10 13
39 " " 40	6 18	59 " " 60	10 19
40 " " 41	7 0	60 and over ...	£10 19s. less six shillings for each completed year by which the officer's age exceeds sixty years.
41 " " 42	7 3		
42 " " 43	7 6		
43 " " 44	7 9		
44 " " 45	7 12		

TABLE II

SERVICE OF A FEMALE NURSE, MIDWIFE, HEALTH VISITOR, OR PHYSIOTHERAPIST

Age	Amount appropriate in respect of each £100 of remuneration	Age	Amount appropriate in respect of each £100 of remuneration
Under 20 ...	£ s. 6 7	42 and under 43	£ s. 9 13
20 and under 21	6 14	43 " " 44	9 16
21 " " 22	7 1	44 " " 45	9 19
22 " " 23	7 8		
23 " " 24	7 14	45 " " 46	10 2
24 " " 25	8 0	46 " " 47	10 6
		47 " " 48	10 10
25 " " 26	8 6	48 " " 49	10 14
26 " " 27	8 11	49 " " 50	10 18
27 " " 28	8 16		
28 " " 29	9 0	50 " " 51	11 3
29 " " 30	9 4	51 " " 52	11 8
		52 " " 53	11 13
30 " " 31	9 7	53 " " 54	11 18
31 " " 32	9 9	54 " " 55	12 4
32 " " 33	9 10		
33 " " 34	9 10	55 " " 56	12 4
34 " " 35	9 10	56 " " 57	11 19
		57 " " 58	11 14
35 " " 36	9 10	58 " " 59	11 9
36 " " 37	9 10	59 " " 60	11 4
37 " " 38	9 10		
38 " " 39	9 10	60 and over ...	£10 19s. less six shillings for each completed year by which the officer's age exceeds sixty years.
39 " " 40	9 10		
40 " " 41	9 10		
41 " " 42	9 11		

TABLE III
SERVICE OF AN OFFICER WHOSE EMPLOYMENT IS BY WAY OF MANUAL LABOUR

Age	Amount appropriate in respect of each £100 of remuneration	
	Men	Women
(1)	(2)	(3)
	£ s.	£ s.
Under 20	3 18	4 5
20 and under 21	3 18	4 6
21 " " 22	3 18	4 7
22 " " 23	3 18	4 8
23 " " 24	3 18	4 10
24 " " 25	3 18	4 11
25 " " 26	3 18	4 12
26 " " 27	3 19	4 12
27 " " 28	4 1	4 13
28 " " 29	4 2	4 15
29 " " 30	4 4	4 17
30 " " 31	4 6	5 0
31 " " 32	4 8	5 3
32 " " 33	4 11	5 6
33 " " 34	4 13	5 9
34 " " 35	4 16	5 12
35 " " 36	4 18	5 17
36 " " 37	5 0	6 1
37 " " 38	5 2	6 4
38 " " 39	5 5	6 8
39 " " 40	5 7	6 12
40 " " 41	5 10	6 16
41 " " 42	5 13	6 19
42 " " 43	5 16	7 3
43 " " 44	5 19	7 7
44 " " 45	6 2	7 11
45 " " 46	6 5	7 15
46 " " 47	6 8	7 19
47 " " 48	6 11	8 2
48 " " 49	6 15	8 6
49 " " 50	6 18	8 10
50 " " 51	7 2	8 14
51 " " 52	7 6	8 18
52 " " 53	7 10	9 3
53 " " 54	7 14	9 7
54 " " 55	7 18	9 12
55 " " 56	8 3	9 17
56 " " 57	8 8	10 2
57 " " 58	8 13	10 7
58 " " 59	8 19	10 13
59 " " 60	9 5	10 19
60 and over	9 5	10 19
	less 6s. for each completed year by which the officer's age exceeds sixty.	less 6s. for each completed year by which the officer's age exceeds sixty.

TABLE IV

REDUCTION OF SUM PAYABLE BY A PERSON TO WHOM REGULATION 29 (1) APPLIES

Age (1)	Service of a male officer (2)	Service of a female officer but excluding a female Officer mentioned in Column 4 (3)	Service of a Female Nurse, Midwife, Health Visitor or Physiotherapist (4)
	£ s.	£ s.	£ s.
Under 20	2 0	1 0	15
20 and under 21	2 1	1 2	17
21 " " 22	2 3	1 4	19
22 " " 23	2 5	1 7	1 2
23 " " 24	2 6	1 10	1 5
24 " " 25	2 8	1 13	1 9
25 " " 26	2 10	1 17	1 14
26 " " 27	2 12	2 2	2 1
27 " " 28	2 14	2 8	2 9
28 " " 29	2 16	2 15	2 17
29 " " 30	2 18	3 2	3 6
30 " " 31	3 0	3 9	3 17
31 " " 32	3 2	3 17	4 8
32 " " 33	3 4	4 5	4 19
33 " " 34	3 6	4 12	5 9
34 " " 35	3 9	5 0	5 19
35 " " 36	3 11	5 8	6 8
36 " " 37	3 13	5 15	6 15
37 " " 38	3 15	6 3	7 1
38 " " 39	3 17	6 11	7 7
39 " " 40	4 0	6 18	7 12
40 " " 41	4 2	7 5	7 17
41 " " 42	4 4	7 13	8 2
42 " " 43	4 7	8 0	8 6
43 " " 44	4 10	8 7	8 11
44 " " 45	4 13	8 13	8 16
45 " " 46	4 16	8 19	9 1
46 " " 47	4 19	9 5	9 6
47 " " 48	5 2	9 11	9 12
48 " " 49	5 5	9 17	9 18
49 " " 50	5 9	10 4	10 4
50 " " 51	5 13	10 11	10 10
51 " " 52	5 17	10 18	10 16
52 " " 53	6 1	11 5	11 2
53 " " 54	6 5	11 12	11 9
54 " " 55	6 10	12 0	11 16
55 " " 56	6 15	12 8	12 4
56 " " 57	7 0	12 16	12 13
57 " " 58	7 6	13 5	13 2
58 " " 59	7 12	13 14	13 12
59 " " 60	7 18	14 3	14 2
60 " " 61	8 4	14 3	—
61 " " 62	8 11	14 3	—
62 " " 63	8 19	14 3	—
63 " " 64	9 8	14 3	—
64 and over	9 17	14 3	—

THIRD SCHEDULE

Regulation 33

Provisions for the calculation of Transfer Values payable to the Committee and Directions for the use of the sub-joined Table in connection therewith.

1. In this Schedule the following expressions, unless the context otherwise requires, have the meanings hereby assigned to them—

“the material date” in relation to an existing officer in respect of whom a transfer value is being calculated means the date upon which the employee was last in employment under a local authority.

“age” in relation to any employee means his age on the material date ;

“remuneration” in relation to an existing officer means the salary and emoluments of his employment on the material date, being such salary and emoluments as would have been taken into account in calculating the pension or other allowance which he would, under the Act of 1865, the Act of 1869, the Act of 1875, the Act of 1919, or a local Act, as the case may be, have been qualified to receive had he retired from such employment on the material date ;

“service” means service reckonable for the purpose of calculation of superannuation benefits under the Act of 1865, the Act of 1869, the Act of 1875, the Act of 1919, or a local Act.

2.—(1) The transfer value payable in respect of any employee shall be ascertained in accordance with the provisions of this paragraph.

(2) The amounts shown in columns (2) and (3) of the Table annexed in relation to an age which corresponds with that of the employee are to be multiplied respectively by the numbers of years, and of months aggregating less than one year, of service completed on the material date.

(3) The sum of the two products aforesaid is an amount appropriate in respect of £100 of remuneration.

(4) A total amount is to be calculated proportionately by reference to the remuneration of the employee.

TABLE

Age			Amount for £100 of remuneration in respect of each completed year of service					
			Year			Month		
1			2			3		
			£	s.	d.	£	s.	d.
Under 35	...	...	11	8	0	0	19	0
35 and under 36	...	...	11	8	0	0	19	0
36 " " 37	...	...	11	8	0	0	19	0
37 " " 38	...	...	11	8	0	0	19	0
38 " " 39	...	...	11	9	0	0	19	0
39 " " 40	...	...	11	11	0	0	19	0
40 " " 41	...	...	11	13	0	0	19	0
41 " " 42	...	...	11	15	0	1	0	0
42 " " 43	...	...	11	17	0	1	0	0
43 " " 44	...	...	11	19	0	1	0	0
44 " " 45	...	...	12	2	0	1	0	0
45 " " 46	...	...	12	6	0	1	1	0
46 " " 47	...	...	12	10	0	1	1	0
47 " " 48	...	...	12	14	0	1	1	0
48 " " 49	...	...	12	19	0	1	2	0
49 " " 50	...	...	13	4	0	1	2	0
50 " " 51	...	...	13	10	0	1	3	0
51 " " 52	...	...	13	16	0	1	3	0
52 " " 53	...	...	14	3	0	1	4	0
53 " " 54	...	...	14	10	0	1	4	0
54 " " 55	...	...	14	17	0	1	5	0
55 " " 56	...	...	15	5	0	1	5	0
56 " " 57	...	...	15	14	0	1	6	0
57 " " 58	...	...	16	4	0	1	7	0
58 " " 59	...	...	16	16	0	1	8	0
59 " " 60	...	...	17	8	0	1	9	0
60 and over	...	...	18	0	0	1	10	0

FOURTH SCHEDULE

Regulation 34

Provisions for the Calculation of Transfer Values payable by the Committee and Directions for the use of the sub-joined Tables in connection therewith

1. In this Schedule, the following expressions, unless the context otherwise requires, have the meanings hereby assigned to them—

“the material date” in relation to any person in respect of whom a transfer value is being calculated means the date upon which he ceased to hold his employment under the employing authority ;

“remuneration” in relation to any person, means the annual remuneration of his employment under the employing authority on which contributions were payable by him on the material date :

Provided that —

(a) if, for the purposes of the foregoing definition, account is required to be taken of any fees payable to a person, in respect of any employment, the amount thereof shall be taken to be the annual average of the fees payable to him in respect of that employment during the three years immediately preceding the material date or, if that employment was of shorter duration, such shorter period ;

(b) references in the foregoing definition to contributions payable by any person shall include references to contributions which would have been payable by him but for any reduction, in or suspension of his remuneration by reason of his absence from duty owing to ill-health or injury ;

(c) in the case of a person who has ceased to hold a single employment under an employing authority and has entered two or more part-time employments in which he is an officer of the same or any other employing authority, the expression “remuneration” shall, in relation to each part-time employment, be construed as meaning such proportion of the person’s remuneration on the material date as the annual remuneration or emoluments of that part-time employment bears to the aggregate amount of the annual remuneration or emoluments of the part-time employments ;

“service” in relation to a person who in the employment he has ceased to hold was in the whole-time employment of a single employing authority means, in respect of any period of previous part-time employment, whole-time service for a proportionately reduced period ; and

“contributing service” in relation to any period of service in respect of which a person was in the course of making but had not completed making additional contributory payments shall be construed as meaning service of one-half the actual length of that period of service.

2. The transfer value payable in respect of any person shall be the aggregate of the sums respectively calculated in accordance with the provisions of paragraphs 4, 5 and 6 of this Schedule :

Provided that —

(a) in the case of a person whose contributing service, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty years, the calculation required to be made by reference to his contributing service and non-contributing service shall be made by reference to forty-years’ contributing service.

(b) the transfer value payable shall be reduced by —

(i) an amount equal to any sum which, when the person ceased to hold the employment in relation to which the transfer value is payable, was paid to him by way of a return of contributions, and by a further amount equal to any income tax which was deducted from his contributions in respect of such payment ; and

(ii) an amount equal to the balance of any debt the right to receive which pursuant to the provisions of the Second Schedule to these regulations is deemed to be transferred to the body administering a Scheme approved by the Committee under Regulation 15 (3) ;

- (c) if in relation to the employment which the person has ceased to hold he was in the course of making but had not completed making additional contributory payments the transfer value shall be increased by an amount equal to the aggregate amount of the additional contributory payments so made, except to the extent that such amount may have been returned to the person or any sum may have been deducted on account of income tax from such amount in respect of such return.

3. If after a transfer value has been paid in respect of a person who has entered the part-time employment of a local authority, that person, within twelve months after the material date, while retaining that part-time employment enters other part-time employment in which he is an officer of an employing authority, he shall be treated for the purposes of this schedule as if he had simultaneously become such an officer or employee in each of such part-time employments, and the transfer value already paid shall be adjusted accordingly.

4.—(1) The sum to be calculated by reference to a person's contributing service shall be ascertained in accordance with the provisions of this paragraph.

(2) The amount shown in column (2) of the relative Table set out below in relation to an age which corresponds with that of the person at the material date is to be multiplied by the number of years of contributing service completed on the material date.

(3) The product aforesaid is an amount appropriate in respect of one hundred pounds of remuneration.

(4) A total amount is to be calculated proportionately by reference to the person's remuneration.

5.—(1) The sum to be calculated by reference to a person's non-contributing service shall be ascertained in accordance with the provisions of this paragraph:

(2) The amount shown in column (3) of the relative Table set out below in relation to an age which corresponds with that of the person at the material date is to be multiplied by the number of years of non-contributing service completed on the material date.

(3) The product aforesaid is an amount appropriate in respect of one hundred pounds of remuneration.

(4) A total amount is to be calculated proportionately by reference to the person's remuneration.

6. In the case of a person to whom paragraph 2 of Regulation 29 applied immediately before the material date, any sum calculated under paragraph 4 or 5 of this Schedule in respect of any period of service of which account would have been taken under paragraph 3 of Regulation 29 in calculating the amount of the reduction of any pension to which the person might have become entitled under these regulations shall be reduced by the sum shown in the appropriate column of Table IV set out in the Second Schedule to these regulations in relation to an age which corresponds with that of the person at the material date, in respect of each one pound of the amount of the reduction of the pension as aforesaid in respect of that period of service, and be a proportionate sum in respect of any fraction of a pound included in the said amount.

TABLE I.

(a) SERVICE OF A MALE OFFICER, NOT BEING AN OFFICER MENTIONED IN TABLE III

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed year of service, namely:—	
	Contributing Service	Non-contributing Service
	(2)	(3)
Under 30	£ 11 s. 3	£ 5 s. 11
30 and under 31	11 5	5 12
31 " " 32	11 7	5 13
32 " " 33	11 9	5 14
33 " " 34	11 11	5 15
34 " " 35	11 13	5 16
35 " " 36	11 15	5 17
36 " " 37	11 17	5 18
37 " " 38	11 19	5 19
38 " " 39	12 1	6 0
39 " " 40	12 4	6 2
40 " " 41	12 7	6 3
41 " " 42	12 10	6 5
42 " " 43	12 14	6 7
43 " " 44	12 18	6 9
44 " " 45	13 2	6 11
45 " " 46	13 6	6 13
46 " " 47	13 10	6 15
47 " " 48	13 14	6 17
48 " " 49	13 19	6 19
49 " " 50	14 4	7 2
50 " " 51	14 8	7 4
51 " " 52	14 11	7 5
52 " " 53	14 13	7 6
53 " " 54	14 15	7 7
54 " " 55	14 18	7 9
55 " " 56	15 1	7 10
56 " " 57	15 4	7 12
57 " " 58	15 7	7 13
58 " " 59	15 10	7 15
59 " " 60	15 13	7 16
60 and over	15 14	7 17

(b) SERVICE OF A FEMALE OFFICER, NOT BEING A FEMALE OFFICER MENTIONED IN TABLES II OR III

Age (1)	Amount of transfer value appropriate in respect of each £100. of remuneration in relation to each completed year of service, namely :—	
	Contributing Service	Non-contributing Service
	(2)	(3)
Under 20	£ 7 s. 16	£ 2 s. 2
20 and under 21	7 17	2 3
21 " " 22	7 18	2 5
22 " " 23	7 19	2 7
23 " " 24	8 0	2 9
24 " " 25	8 2	2 12
25 " " 26	8 5	2 15
26 " " 27	8 9	2 19
27 " " 28	8 14	3 4
28 " " 29	9 0	3 9
29 " " 30	9 7	3 15
30 " " 31	9 14	4 0
31 " " 32	10 2	4 6
32 " " 33	10 9	4 11
33 " " 34	10 17	4 17
34 " " 35	11 4	5 2
35 " " 36	11 11	5 7
36 " " 37	11 18	5 12
37 " " 38	12 5	5 17
38 " " 39	12 13	6 2
39 " " 40	13 0	6 7
40 " " 41	13 8	6 12
41 " " 42	13 15	6 17
42 " " 43	14 3	7 1
43 " " 44	14 10	7 5
44 " " 45	14 17	7 8
45 " " 46	15 4	7 12
46 " " 47	15 11	7 15
47 " " 48	15 18	7 19
48 " " 49	16 6	8 3
49 " " 50	16 13	8 6
50 " " 51	16 19	8 9
51 " " 52	17 5	8 12
52 " " 53	17 10	8 15
53 " " 54	17 15	8 17
54 " " 55	17 19	8 19
55 " " 56	18 3	9 1
56 " " 57	18 7	9 3
57 " " 58	18 11	9 5
58 " " 59	18 15	9 7
59 " " 60	18 18	9 9
60 and over	19 0	9 10

TABLE II

SERVICE OF A FEMALE NURSE, OR PHYSIOTHERAPIST, OR HEALTH VISITOR, OR MIDWIFE

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed year of service, namely :—	
	Contributing Service	Non-contributing Service
	(2)	(3)
Under 20	£ 8 s. 5	£ 2 s. 2
20 and under 21	8 6	2 3
21 " " 22	8 7	2 5
22 " " 23	8 9	2 7
23 " " 24	8 13	2 10
24 " " 25	9 0	2 16
25 " " 26	9 11	3 3
26 " " 27	10 5	3 12
27 " " 28	11 1	4 2
28 " " 29	11 19	4 14
29 " " 30	12 19	5 8
30 " " 31	14 1	6 3
31 " " 32	15 5	7 0
32 " " 33	16 7	7 15
33 " " 34	17 4	8 6
34 " " 35	17 13	8 12
35 " " 36	17 18	8 16
36 " " 37	18 1	8 19
37 " " 38	18 2	9 1
38 " " 39	18 3	9 1
39 " " 40	18 5	9 2
40 " " 41	18 7	9 3
41 " " 42	18 10	9 5
42 " " 43	18 15	9 7
43 " " 44	19 1	9 10
44 " " 45	19 7	9 13
45 " " 46	19 14	9 17
46 " " 47	20 2	10 1
47 " " 48	20 11	10 5
48 " " 49	20 19	10 9
49 " " 50	21 8	10 14
50 " " 51	21 18	10 19
51 " " 52	22 8	11 4
52 " " 53	22 19	11 9
53 " " 54	23 10	11 15
54 and over	24 2	12 1

TABLE III

(a) SERVICE OF A MALE OFFICER WHOSE EMPLOYMENT IS BY WAY OF MANUAL LABOUR

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed year of service, namely :—	
	Contributing Service (2)	Non-contributing Service (3)
Under 26	£ 7 s. 16	£ 3 s. 18
26 and under 27	7 18	3 19
27 " " 28	8 1	4 0
28 " " 29	8 4	4 2
29 " " 30	8 8	4 4
30 " " 31	8 12	4 6
31 " " 32	8 16	4 8
32 " " 33	9 1	4 10
33 " " 34	9 5	4 12
34 " " 35	9 10	4 15
35 " " 36	9 14	4 17
36 " " 37	9 19	4 19
37 " " 38	10 3	5 1
38 " " 39	10 8	5 4
39 " " 40	10 13	5 6
40 " " 41	10 18	5 9
41 " " 42	11 4	5 12
42 " " 43	11 9	5 14
43 " " 44	11 15	5 17
44 " " 45	12 1	6 0
45 " " 46	12 7	6 3
46 " " 47	12 14	6 7
47 " " 48	13 0	6 10
48 " " 49	13 6	6 13
49 " " 50	13 12	6 16
50 " " 51	13 18	6 19
51 " " 52	14 3	7 1
52 " " 53	14 8	7 4
53 " " 54	14 12	7 6
54 " " 55	14 15	7 7
55 " " 56	14 18	7 9
56 " " 57	15 2	7 11
57 " " 58	15 5	7 12
58 " " 59	15 8	7 14
59 " " 60	15 12	7 16
60 and over	15 14	7 17

(b) SERVICE OF A FEMALE OFFICER WHOSE EMPLOYMENT IS BY WAY OF MANUAL LABOUR

Age (1)	Amount of transfer value appropriate in respect of each £100 of remuneration in relation to each completed year of service, namely :—			
	Contributing Service (2)		Non-contributing Service (3)	
	£	s.	£	s.
Under 20	5	6	1	1
20 and under 21	5	9	1	3
21 " " 22	5	12	1	5
22 " " 23	5	15	1	7
23 " " 24	5	19	1	9
24 " " 25	6	3	1	12
25 " " 26	6	8	1	16
26 " " 27	6	13	2	1
27 " " 28	6	19	2	6
28 " " 29	7	6	2	12
29 " " 30	7	14	2	17
30 " " 31	8	3	3	3
31 " " 32	8	12	3	9
32 " " 33	9	2	3	16
33 " " 34	9	12	4	3
34 " " 35	10	2	4	10
35 " " 36	10	12	4	16
36 " " 37	11	1	5	2
37 " " 38	11	10	5	8
38 " " 39	12	0	5	14
39 " " 40	12	9	6	0
40 " " 41	12	19	6	5
41 " " 42	13	8	6	11
42 " " 43	13	17	6	16
43 " " 44	14	6	7	1
44 " " 45	14	15	7	6
45 " " 46	15	3	7	11
46 " " 47	15	11	7	15
47 " " 48	15	18	7	19
48 " " 49	16	5	8	2
49 " " 50	16	12	8	6
50 " " 51	16	19	8	9
51 " " 52	17	5	8	12
52 " " 53	17	10	8	15
53 " " 54	17	15	8	17
54 " " 55	17	19	8	19
55 " " 56	18	3	9	1
56 " " 57	18	7	9	3
57 " " 58	18	11	9	5
58 " " 59	18	15	9	7
59 " " 60	18	18	9	9
60 and over	19	0	9	10