

REGULATIONS,* DATED 22ND DECEMBER, 1950, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

1950. No. 225

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 :—

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

(2) These Regulations and the Local Government (Superannuation) Regulations (Northern Ireland), 1950 (a), shall be construed as one.

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

“ the principal regulations ” means the Local Government (Superannuation) Regulations (Northern Ireland), 1950 ;

“ regulation ” means regulation contained in the principal regulations.

(4) The Interpretation Act, 1921, applies for the purpose of the interpretation of these regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2. In Regulation 1, in paragraph (3) thereof —

(a) in the definition of “ existing officer ” —

(i) after the word “ officer ” the words “ qualified to receive a superannuation allowance ” shall be omitted, and the words “ employed by an employing authority immediately before the appointed day, and holding an office pensionable ” shall be inserted ;

(ii) after the word “ Act ”, where it last occurs, there shall be added the words “ and who has not attained the age of sixty years on the appointed day.” ;

(b) in the definition of “ pensionable age,” there shall be substituted for the words “ physiotherapist, midwife or mental health officer ”, the words “ health visitor, physiotherapist or midwife ” ; and

(a) S. R. & O. (N.I.) 1950, No. 103.

* A draft of these Regulations was approved by resolution of the Senate on the 19th day of December, 1950, and by resolution of the House of Commons on the 21st day of December, 1950.

- (c) after the definition of "pensionable age", the following definition shall be inserted :—

"registration officer" means a superintendent registrar or registrar of births and deaths appointed prior to 5th July, 1948, pursuant to the Births and Deaths Registration Acts (Northern Ireland), 1863 to 1947, and a superintendent registrar or registrar of marriages appointed prior to 5th July, 1948, pursuant to the Registration of Marriages (Ireland) Act, 1863.

3. In Regulation 2 —

- (a) in paragraph (3) (a) thereof there shall be added after the word "fund" the words "and separate accounts shall be kept in respect of contributions and benefits of manual workers"; and
- (b) in paragraph (8) thereof there shall be substituted for the words "disposing of" the word "using".

4. In Regulation 3 —

- (a) at the end of the first paragraph there shall be inserted after the words "Regulation 5" the words "provided that an officer other than an existing officer as defined in these regulations shall not be entitled to participate in the benefits of the superannuation fund or be required to contribute thereto unless or until he has attained the age of 18 years, or, subject to the provisions of Regulation 15 (7), in the case of an officer referred to in sub-paragraph (c) or (f) of Regulation 3, unless or until the period of two years therein mentioned has expired";
- (b) in sub-paragraphs (a) and (d) thereof, after the word "professional" the word "technical" shall be inserted;
- (c) in sub-paragraphs (c) and (f) thereof, the second comma shall be omitted;
- (d) the following sub-paragraph shall be added —

"(g) Every registration officer shall be deemed, for the purposes of these regulations, to be an officer in the employment of the employing authority discharging registration functions in relation to the district in or for which the officer acts :

Provided that nothing in these regulations shall affect any power of the Registrar-General to remove a registration officer from office;" and

- (e) after the added sub-paragraph (g) thereof, the following proviso shall be added :—

"Provided that these regulations shall not apply to an officer, other than an existing officer as defined in these

regulations, who is such a professional or technical officer as is hereinafter mentioned, or who became an officer by virtue of sub-paragraphs (b), (c), (e) or (f), if he gives written notice to that effect to his employing authority not later than

- (1) in the case of any such officer to whom sub-paragraph (e) or (f) applies, the 31st day of January, 1951, or three months after the date upon which the regulations would, but for this proviso, have applied to him;
- (2) in the case of any other such officer
 - (i) if he was in the employment of that employing authority at the appointed day, the 31st day of January, 1951;
 - (ii) if he enters the employment of that employing authority after the appointed day, the 31st day of January, 1951, or three months after the commencement of his employment, whichever shall be the later.

For the purposes of the foregoing provision "such a professional or technical officer" means a professional or technical officer who, in the opinion of the employing authority, should, by reason of the temporary character of his employment with the authority, be entitled to elect that the regulations shall not apply to him."

5. In Regulation 5 —

- (a) in paragraph (1) thereof, after the words "has not attained" the words "pensionable age" shall be omitted and the words "such an age as is hereinafter mentioned" shall be inserted;
- (b) the following new paragraph shall be added —

"(1.A) The age referred to in the preceding paragraph is, subject as hereinafter provided, an age greater by five years than pensionable age or, in the case of a person who before attaining such greater age 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, his age at the date on which he completed such service :

Provided that the age aforesaid is pensionable age in relation to any person who is or was over pensionable age on the date on which he first became an officer;" and

- (c) in paragraph (6) thereof —
 - (a) there shall be added after the word "refunded" the words "or was entitled to have refunded";

- (b) there shall be substituted for the words " three months " the words " twelve months or such longer period as the Committee may in any particular case allow " ;
- (c) there shall be added after the word " returned " the words " or returnable " ; and
- (d) the words " towards pension " shall be omitted and the following words inserted :—
" in relation to the employment in which he is an officer ".

6. In Regulation 6 —

- (a) in paragraph (1) thereof, after the word " fund " there shall be added " (a) " ; and
- (b) for " (2) " there shall be substituted " (b) " and for " (3) ", " (2) ".

7. In Regulation 8 in the proviso to paragraph (1) thereof, there shall be added after the word " exceed " the words " the smaller of £2,000 or ".

8. In Regulation 11 —

- (a) in paragraph (1) thereof, the words " other than a married male officer in respect of whose services a widow's pension may become payable under these regulations " shall be omitted ;
- (b) in paragraph (2) thereof, the words " other than such a married male officer as aforesaid ", wherever they occur, shall be omitted ; and
- (c) in paragraph (2) thereof, there shall be substituted for the word " forty-five ", wherever it occurs, the word " forty ".

9. In Regulation 15 —

- (a) for paragraph 1 (b) the following paragraph shall be substituted :—
" All continuous employment under that authority after the appointed day of :—
(i) any existing officer as defined in these regulations ;
(ii) any other officer, except one referred to in paragraphs 3 (c) and 3 (f) of these regulations, after attaining the age of 18 years ;
(iii) any officer referred to in paragraphs 3 (c) and 3 (f) of these regulations after the expiration of the period of two years after attaining the age of 18 years therein mentioned. " ;
- (b) in paragraph (3) thereof, there shall be substituted for the words " paragraph (3) of Regulation 32 ", the words " paragraph (5) of Regulation 33 " ;

(c) at the end of paragraph (3) the following words shall be added :—

“ Provided that a transfer value in accordance with the provisions of Regulation 33 (5) has been paid to the Committee by the body administering such scheme.” ;

(d) in paragraph (4) thereof, there shall be substituted for the word “ their ” the word “ such ” and for the words “ that Authority ” the words “ the Committee ” ;

(e) in paragraphs (4) and (9) thereof, there shall be added after the word “ within ” the words “ twelve months of the appointed day or ” ;

(f) in paragraph (7) thereof, there shall be added after the word “ day ”, where it secondly occurs, the words “ and after attaining the age of eighteen years ” and after the words “ Regulation 3 (c) ” the words “ and 3 (f) ” ; and

(g) in paragraph (8) thereof—

(i) there shall be substituted for the words “ three months ” the words “ twelve months ” ; and

(ii) there shall be added the following proviso :—

“ Provided that in the case of an existing officer who, between the 1st day of April, 1939, and the appointed day, transferred, without a break in service of more than twelve months, from another employing authority to the employing authority in whose employment he was immediately before the appointed day, the payments in respect of service with the former employing authority which, but for such transfer, would have been reckonable for superannuation under any of the Acts mentioned in Regulation 15 (1) (a) shall be one-half of the appropriate amounts, or alternatively, the said period of service with the former employing authority shall be reckoned as non-contributing.”

10. In Regulation 18—

(a) for the words “ pensionable age, the date of his death ”, there shall be substituted “ such age as hereinafter mentioned, the date of his death, or, if he attained that age before ceasing to be an officer or dying, the date on which he attained that age ” ;

(b) in proviso (e) thereto, there shall be substituted for the word “ whole-time ”, where it first occurs, the words “ any other ”, and for the words “ the whole-time ” the words “ that other ” ; and

(c) the following new paragraph shall be added—

“(2) The age referred to in the preceding paragraph is, subject as hereinafter provided, an age greater by

five years than pensionable age or, in the case of a person who before attaining such greater age has completed forty-five years contributing service or forty-five years contributing and non-contributing service, the non-contributing service being reckoned at half its actual length, his age at the date on which he completed such service.:

Provided that the age aforesaid is pensionable age in relation to any person who was over pensionable age on the date on which he first became an officer ;”

11. In Regulation 23 —

(a) there shall be substituted for the word “ three ” the word “ ten ” and after the word “ day ” there shall be added the words “ or such longer period as the Ministry may specify ” ; and

(b) the following new paragraph shall be added :—

“ (2) If an existing officer dies after the appointed day and before the expiration of the time within which the option above referred to must be exercised, without having exercised such option the Committee shall grant the benefits provided by these regulations in respect of such officer as if he had exercised such option ”.

12. In Regulation 24 in paragraph (2) thereof, after the word “ year ” where it first occurs, there shall be substituted for the words “ of contributing service ” the words “ of service prior to the appointed day reckonable as contributing service.”

13. In Regulation 25 —

in paragraph (2) thereof —

(a) there shall be substituted for the words “ paragraphs (1), (2) or (3) ” the words “ paragraph (1) ” ; and

(b) there shall be inserted after the word “ writing ” the words “ within twelve months of the appointed day or ”.

14. In Regulation 27 the word “ either ” and the words “ or has completed twenty years service ” shall be omitted and there shall be substituted for the word “ fifty ” the word “ fifty-five ”.

15. In Regulation 29 —

(a) in paragraph (3) thereof there shall be added after the word “ reduced ” the following words :—

“ (i) in the case of such a person as is mentioned in paragraph (7) of this regulation by the annual sum shown in the appropriate column of the relative Table set out

in the Fifth Schedule in relation to an age which corresponds with his age at the appointed day or at the date on which he became an officer, whichever is the later, for each year of contributing service on and after the appointed day for the purposes of Section 1 of the National Insurance Act (Northern Ireland), 1946, or on and after the date on which he became an officer, whichever is the later and by one-half of the said annual sum for each year of non-contributing service on and after the said date ; and

(ii) in any other case."

(b) in paragraph (7) thereof,

(i) after the word " service " where it secondly occurs, there shall be added the words, " or before entering the employment of an employing authority on or after the appointed day was contributing without modification of contributions to a superannuation scheme ; " and

(ii) there shall be substituted for the words " three months " the words " ten months or such longer period as the Ministry may specify ".

16. In Regulation 31 there shall be added after the word " scheme " the words " modified by these regulations ".

17. In Regulation 32.—

(a) there shall be substituted for paragraphs (1), (2) and (3) the following paragraphs :—

" (1) Where a person within twelve months after ceasing to be employed 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 in which he is a participant in the pension scheme operated under the Federated Superannuation System for Universities or the Federated Superannuation Scheme for Nurses and Hospital Officers or any other similar pension scheme approved by the Committee, the person may within twelve months of the appointed day or within three months after becoming such participant notify the Committee that he desires the provisions of paragraphs (1), (2) and (3) of this Regulation to apply to him, and in that event the Committee may, if the body administering the pension scheme in which he is a participant (hereinafter called " the relevant scheme ") undertakes to invest or secure the investment of such sum for his benefit under the relevant scheme in the purchase of a policy of insurance on his life providing for the payment on his reaching a specified age or on his retirement of an annuity to him or of such joint annuity to him and another as he may be entitled to select in accordance with the terms of the relevant scheme, such annuity or joint annuity not to be capable of commutation or assignment, and to comply with

the provisions of the next succeeding paragraph, pay out of the superannuation fund 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 officer of an employing authority in circumstances to which that Regulation applies.

Provided that a person who received a return of contributions on or after ceasing to be employed as aforesaid shall not be entitled to the benefit of the foregoing provisions of this paragraph unless, on entering such further employment as aforesaid, he repays to the Committee an amount equal to the sum paid to him by way of a return of contributions, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment.

(2) If a person to whom the preceding paragraph has been applied ceases to participate in the relevant scheme in circumstances in which he becomes entitled to a benefit based solely on his contributions thereunder, the body administering the relevant scheme shall pay to the Committee any moneys received under the policy purchased by them pursuant to the provisions of the preceding paragraph in respect of the person, and the Committee shall pay to him a sum equal to any amount which was paid to him by way of a return of contributions and repaid by him pursuant to the proviso to the preceding paragraph or, if no such payment was made to him, a sum equal to the amount which would have been paid to him by way of a return of contributions on his ceasing to be or to be deemed to be an officer of an employing authority, after the addition thereto of an amount equal to interest on the said sum, as from the date on which the policy was purchased, calculated at the rate which would have been applicable under the relevant scheme on contributions returned thereunder at that date.

(3) If such a person as is mentioned in the last preceding paragraph, within twelve months after ceasing so to participate in the relevant scheme and within five years after ceasing to be an officer of an employing authority again becomes an officer of an employing authority, he shall be entitled, if he pays or repays to the Committee a sum equal to the amount (if any) which was paid to him pursuant to the provisions of the last preceding paragraph, to reckon such service as he would have been entitled to reckon had there been no break between his ceasing to be an officer of an employing authority and his again becoming such an officer.

(4) Any sums paid under the two immediately preceding paragraphs to the Committee shall be paid by them into the Superannuation fund."

(b) in paragraph (4) thereof, there shall be added after the word "within", where it secondly occurs, the words "twelve months of the appointed day or".

18. In Regulation 33 —

- (a) in paragraph (1) thereof, there shall be substituted for the words "three months" the words "ten months or such longer period as the Ministry may specify".
- (b) for paragraph (5) the following paragraph shall be substituted :—

"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 service in respect of which such contributions were made shall be reckonable as contributing service in relation to the employment in which he is an officer, only if the body administering the scheme, or any persons maintaining any fund for the purposes of the scheme or the successors in title of that body or those persons, 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 aforesaid has been relieved as a result of that person ceasing to be subject to the scheme and becoming an officer of an employing authority.

Provided that if the aforementioned person has received a refund of contributions from the body or persons administering such scheme, and has paid an equivalent sum to the Committee, the transfer value payable to the Committee shall be reduced by the amount of such sum."

19. In Regulation 34 —

- (a) there shall be added after the words "Regulation 15 (3)" the words "and approved in whole or in part by the Commissioners of Inland Revenue under Section 32 of the Finance Act, 1921"; and
- (b) there shall be added after the word "within", where it secondly occurs, the words "twelve months of the appointed day or".

20. In Regulation 35 the words "or scheme" shall be omitted.

21. In the Second Schedule to the principal regulations —

- (a) in paragraph 1 thereof there shall be substituted for the words "who desires to reckon any period of non-contributing service as contributing service" the words

- “ under the provisions of regulations 15 (8) and 15 (9) ”
and for the word “ three ” the word “ twelve ” ;
- (b) in paragraph 6 (3) thereof, the figure “ IV ” shall be omitted ;
- (c) in paragraph 6 (5) thereof, there shall be substituted for the figure “ V ” the figure “ IV ” ;
- (d) in the heading (a) of Table I thereof there shall be substituted for the figure “ IV ” the figure “ III ” ; and
- (e) in Tables I, II and III the words “ 60 and over ” in the column headed “ age ” and the words and figures in the adjoining columns opposite the words “ 60 and over ” shall be omitted.

22. In the Third Schedule to the principal regulations in paragraph 1 thereof, in the definition of “ the material date ” there shall be substituted for the words “ the date upon which the employee was last in employment under a local authority ”, the words “ the appointed day ”.

23. After the Fourth Schedule to the principal regulations there shall be inserted the following new Schedule. —

FIFTH SCHEDULE

REDUCTION OF PENSION UNDER REGULATION 29 (3)

TABLE I

FEMALE NURSE, HEALTH VISITOR, PHYSIOTHERAPIST, OR MIDWIFE

Age	Annual Sum	Age	Annual Sum
	£ s. d.		s. d.
Under 20	1 14 0	33 and under 34	13 6
20 and under 21	1 11 0	34 " " 35	13 0
21 " " 22	1 8 0	35 " " 36	13 0
22 " " 23	1 5 6	36 " " 37	12 6
23 " " 24	1 3 0	37 " " 38	12 6
24 " " 25	1 1 0	38 " " 39	12 6
25 " " 26	19 6	39 " " 40	12 0
26 " " 27	18 0	40 " " 41	12 0
27 " " 28	17 0	41 " " 42	12 0
28 " " 29	16 0	42 " " 43	11 6
29 " " 30	15 6	43 " " 44	11 6
30 " " 31	15 0	44 " " 45	11 0
31 " " 32	14 6	45 and over	11 0
32 " " 33	14 0		

TABLE II
OFFICER, OTHER THAN A FEMALE OFFICER MENTIONED IN TABLE I

Age				Annual Sum					
				Men			Women		
				£	s.	d.	£	s.	d.
Under 20	...	...	...	1	14	0	1	14	0
20 and under 21	...	...	...	1	13	0	1	11	6
21	"	"	22	1	12	6	1	9	6
22	"	"	23	1	12	0	1	7	6
23	"	"	24	1	11	0	1	5	6
24	"	"	25	1	10	6	1	4	0
25	"	"	26	1	10	0	1	2	6
26	"	"	27	1	9	6	1	1	0
27	"	"	28	1	9	0	1	0	0
28	"	"	29	1	8	6		19	0
29	"	"	30	1	8	0		18	0
30	"	"	31	1	7	6		17	6
31	"	"	32	1	7	0		17	0
32	"	"	33	1	6	0		16	6
33	"	"	34	1	5	6		16	0
34	"	"	35	1	5	0		15	6
35	"	"	36	1	4	6		15	0
36	"	"	37	1	4	0		14	6
37	"	"	38	1	3	6		14	0
38	"	"	39	1	3	0		13	6
39	"	"	40	1	2	6		13	6
40	"	"	41	1	2	0		13	0
41	"	"	42	1	1	6		13	0
42	"	"	43	1	1	0		12	6
43	"	"	44	1	0	6		12	6
44	"	"	45	1	0	0		12	0
45	"	"	46		19	6		12	0
46	"	"	47		19	0		12	0
47	"	"	48		18	6		11	6
48	"	"	49		18	0		11	6
49	"	"	50		17	6		11	0
50	"	"	51		17	0		11	0
51	"	"	52		17	0		11	0
52	"	"	53		16	6		11	0
53	"	"	54		16	0		11	0
54	"	"	55		15	6		11	0
55 and over	...	...	...		15	6		11	0

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 22nd day of December, 1950, in the presence of :—

(L.S.)

L. G. P. Freer,
Secretary.