

REGULATIONS*, DATED THE 19TH DAY OF DECEMBER, 1957, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SUB-SECTION (1) OF SECTION 61 OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1957. No. 253

[C]

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by sub-section (1) of section 61 of the Health Services Act (Northern Ireland), 1948, as amended by section 11 of and the Schedule to the Health Services Act (Northern Ireland), 1953, and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance for Northern Ireland, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland), 1957, and shall come into operation on the first day of January, 1958.

(2) These regulations, the Health Services (Superannuation) Regulations (Northern Ireland), 1954, and the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1957, shall be construed as one and may be cited together as the Health Services (Superannuation) Regulations (Northern Ireland), 1954 to 1957.

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

“the principal regulations” means the Health Services (Superannuation) Regulations (Northern Ireland), 1954, as amended by the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1957;

“regulation” means regulation contained in the principal regulations;

“schedule” means schedule to the principal regulations.

2. In regulation 1—

(a) in paragraph (3) thereof—

(i) in the definition of “additional contributory payment” after the words “or regulation 15A” there shall be inserted the expression “or 15B”;

(ii) in the definition of “contributing service” after the words “regulation 15 or 15A” there shall be inserted the words “or 15B and includes any added years reckonable in accordance with regulation 15C”;

(iii) there shall be inserted the following new definitions:—

* A draft of the above regulations was approved by resolutions of the House of Commons and of the Senate on the 17th day of December, 1957.

- “ the Act of 1937 ” means the Local Government Superannuation Act, 1937 or the Local Government Superannuation (Scotland) Act, 1937, as the case may be;
- “ the Act of 1948 ” means the Superannuation (Miscellaneous Provisions) Act, 1948;
- “ the Act of 1953 ” means the Local Government Superannuation Act, 1953;
- “ the English or Scottish Local Government regulations, 1954 ” means the Local Government Superannuation (Benefits) Regulations, 1954, or, as the case may be, the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954;
- “ added years ”, in relation to any person, means any additional years of service reckonable by him under regulation 12 of the English or Scottish Local Government regulations, 1954, any corresponding provision of a local Act scheme, or that regulation or any such provision as aforesaid as applied by regulations made under the Third or Fourth Schedule to the Act of 1953, and includes any additional years which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become reckonable under or by virtue of any enactment by a contributory employee or local Act contributor;
- “ contributory employee ” has the same meaning as in the Act of 1937;
- “ local Act authority ” and “ local Act scheme ” have the same meanings respectively as in the Act of 1937;
- “ local Act contributor ” has the same meaning as in the Act of 1937 and includes a person who, although not in the employment of a local Act authority, was entitled to participate in the benefits of a superannuation fund maintained under a local Act scheme; ” ;

(b) After paragraph (3) thereof there shall be inserted the following new paragraph:—

“ (3A) In these regulations—

- (a) references to any enactment shall be construed as references to that enactment as amended, extended or applied by any other enactment and accordingly (without prejudice to the generality of the preceding provisions of this paragraph) any reference to the Act of 1937 shall, unless the context otherwise requires, be construed as including a reference to the Act of 1953;

- (b) any reference to non-contributing service under a local Act scheme shall be construed as a reference to non-contributing service as defined in the relevant local Act scheme; and
 - (c) any reference to a person's becoming an officer of an employing authority within twelve months after leaving employment subject to the Act of 1937 or a local Act scheme or within twelve months after ceasing to be a contributory employee or local Act contributor and any reference to the like effect shall be construed in relation to a person to whom section 6 of the Act of 1948 has become applicable, as a reference to his becoming an officer within five years, or such longer period as the Minister of Housing and Local Government or the Secretary of State for Scotland, as the case may be, may in any particular case allow, after so leaving such employment or ceasing to be such an employee or contributor as aforesaid";
- (c) In paragraph (6) thereof—
- (i) in the first expression in brackets, after the figures "5, 15," there shall be inserted the figures "15B, 15C,";
 - (ii) in sub-paragraph (c), after the words "the Act of 1909," there shall be inserted the words "the Act of 1937, a local Act scheme,";
 - (iii) after sub-paragraph (d) there shall be inserted the following new sub-paragraphs:—
 - "(e) any sums paid by him under a scheme made under sub-section (3) of section 28 of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936 (which conferred a power to modify existing superannuation schemes) or the corresponding provisions of any Act repealed by that Act;
 - (f) any contributions which, by virtue of rule 20 of the Superannuation (Transfers between the Civil Service and Local Government) Rules, 1950 and 1955, or rule 10 of the Superannuation (English Local Government and Northern Ireland Civil Service) Interchange Rules, 1957 or rule 10 of the Superannuation (Local Government and Northern Ireland Civil Service) Interchange (Scotland) Rules, 1957, he would have been deemed to have made to the superannuation fund to which he was a contributor had he ceased to hold the employment in which he was such a contributor in the circumstances mentioned in any of those rules.";

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

“Provided that in proviso (bb) to paragraph (2) of regulation 14 the reference to contributions shall be construed, in relation to a person who was in employment in which he was subject to the Act of 1937 or a local Act scheme, as a reference to contributions returned on or after his ceasing to hold that employment other than payments made voluntarily for the purpose of securing benefits for his widow, children or other dependants and payments (except completed payments, that is to say, payments in respect of a liability which has been wholly discharged) of any of the following categories—

- (i) additional contributory payments of the kind referred to in sub-sections (3) and (4) of section 2 of the Act of 1953;
- (ii) any similar payments made under a local Act scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme, or, where the local Act scheme provides for the reckoning of non-contributing service, as contributing service for the purposes of the scheme;
- (iii) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating the benefits under a local Act scheme; and
- (iv) any payments made in respect of added years.”

3. In regulation 14—

(a) in proviso (a) to paragraph (2) thereof, in the expression in brackets, after the words “subject to” there shall be inserted the words “the Act of 1937, a local Act scheme,”;

(b) after proviso (b) to paragraph (2) thereof there shall be inserted the following proviso:—

“(bb) this paragraph shall not apply to any officer who in the employment he has ceased to hold was a contributory employee or local Act contributor unless—

- (i) he ceased to hold his former employment not earlier than the fourth day of February, 1948; and
- (ii) he has given the employing authority the notice and particulars of his national service (if any) required by rules made under section 2 of the Act of 1948 and paid 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 which was deducted from his contributions in respect of such payment,";

- (c) in proviso (c) to paragraph (2) thereof, after the words "the 1948 regulations" there shall be inserted the words "the Act of 1937, a local Act scheme,";
- (d) in proviso (i) to paragraph (2) thereof, after the words "employment in which he was" there shall be inserted the words "a contributory employee or local Act contributor to whom regulation 21 or 22 of the English or Scottish Local Government regulations, 1954, applied, or was such a person as is referred to in regulation 23 of those regulations or, being a male person, was employed in a children's home or hostel provided by a Great Britain local authority under any enactment other than an enactment relating to education, and in that employment had the care of persons under the age of eighteen years, or where a person was in employment in which he was";
- (e) in proviso (j) to paragraph (2) thereof, after the words "employment in which he was" there shall be inserted the words "a contributory employee or local Act contributor or a person";
- (f) in proviso (k) to paragraph (2) thereof, after the words "employment in which he was" there shall be inserted the words "a contributory employee or local Act contributor or a person";
- (g) after proviso (k) to paragraph (2) thereof there shall be inserted the following additional provisos:—
- “(l) where a person has become an officer within twelve months after ceasing to be a contributory employee, and by virtue of the provisions of a scheme modifying the Act of 1937 any period of employment was reckonable at a fraction of its actual length for the purpose of calculating the transfer value payable in respect of the officer, that period of employment shall be reckonable as service at its actual length solely for the purpose of determining whether any benefit is payable to or in respect of him and shall otherwise be reckonable as service at the aforesaid fraction of its actual length;
- (m) in the case of a person who has been in such employment as is mentioned in head (ivA) or (ivB) of sub-paragraph (c) of the next succeeding paragraph there shall not be reckonable as service under these regulations except for the sole purpose of determining whether any benefit is payable to or in respect of the person thereunder—

- (i) such service as is mentioned in sub-section (1) of section 17 of the Local Government Superannuation Act, 1937, not being such service as is mentioned in proviso (a) to that sub-section;
 - (ii) such service as is mentioned in section 15 of the Local Government Superannuation (Scotland) Act, 1937, not being such service as is mentioned in proviso (a) to that section; or
 - (iii) service, corresponding to the service referred to in paragraphs (i) and (ii) of this proviso, for the reckoning of which provision is made in a local Act scheme.”;
- (h) after head (iv) of sub-paragraph (c) of paragraph (3) thereof there shall be inserted the following heads:—
- “(ivA) the Act of 1937;
 - (ivB) a local Act scheme;”;
- (i) after proviso (c) to paragraph (3) thereof there shall be inserted the following additional proviso:—
- “(d) a person who has been in such employment as is mentioned in heads (ivA) and (ivB) of sub-paragraph (c) of this paragraph shall not be treated as having been in such employment unless the Ministry has received a transfer value calculated in accordance with the rules for the time being in force under section 2 of the Act of 1948 relating to a person who has left employment in which he was a contributory employee or local Act contributor and has entered into employment under an employing authority.”.

4. In regulation 15—

- (a) After head (iii) of sub-paragraph (b) of paragraph (1) thereof there shall be inserted the following heads:—
 - “(iiiA) contributing service under the Act of 1937;
 - (iiiB) service (other than non-contributing service) or a period of contribution for the purposes of a local Act scheme;”;
- (b) in proviso (ii) to sub-paragraph (b) of paragraph (1) thereof, after the words “the 1948 regulations,” there shall be inserted the words “the Act of 1937, a local Act scheme;”;
- (c) in proviso (iii) to sub-paragraph (b) of paragraph (1) thereof, after the words “employment mentioned in sub-paragraph” there shall be inserted the expression “(b)(iiiA),” and after the words “additional contributory payments under” there shall be inserted the words “the second schedule to the English or Scottish Local Government regulations, 1954;”;
- (d) after proviso (iii) to sub-paragraph (b) of paragraph (1) thereof there shall be inserted the following additional provisos:—

- “(iv) if at the time when he ceased to be employed in employment mentioned in sub-paragraph (b)(iiiB) of this paragraph an officer was in the course of making payments in respect of any period of service as a condition of being entitled to reckon that period as service or as a period of contribution for the purposes of the local Act scheme, that period shall not be reckonable as contributing service except in accordance with regulation 15B;
- (v) if at the time when he ceased to be employed in employment mentioned in sub-paragraph (b)(iiiB) of this paragraph an officer was in the course of making payments in respect of any period of service or period of contribution under the local Act scheme as a condition of increasing the length at which that period would be reckonable for the purpose of calculating the benefits under the local Act scheme, that period shall be reckonable as contributing service at the length at which it would have been reckonable if no such payments as aforesaid had been made and shall not otherwise be reckonable as contributing service except in accordance with regulation 15B;
- (vi) if at the time when he left such employment as is mentioned in sub-paragraph (b)(iiiA) or (b)(iiiB) of this paragraph an officer was in the course of making payments in respect of added years, those years shall not be reckonable as contributing service except in accordance with regulation 15C;”;
- (e) after paragraph (6) thereof there shall be added the following paragraph:—
- “(7) Where a person to whom regulation 14(2) applies or to whom regulation 13(2) of the 1948 regulations applied, was in his former employment a contributory employee or local Act contributor, then—
- (a) if a discretionary power has been exercised in his favour under rules made under section 2 of the Act of 1948, any addition deemed under those rules to have been made to the service reckonable by him at the time when he left the employment in which he was a contributory employee or local Act contributor shall, if a transfer value has been paid in respect thereof under the said rules, be reckonable under these regulations as contributing service;
- (b) if a resolution was passed or a discretion was exercised in relation to him pursuant to—

- (i) regulation 17 of the National Health Service (Superannuation) Regulations, 1950 or regulation 15 of the National Health Service (Superannuation) Regulations, 1947 as originally made or as subsequently amended; or
- (ii) regulation 17 of the National Health Service (Superannuation) (Scotland) Regulations, 1950 or regulation 17 of the National Health Service (Superannuation) (Scotland) Regulations, 1948 as originally made or as subsequently amended,

any number of years in respect of which the resolution was passed or the discretion was exercised shall be reckonable under these regulations as contributing service:

Provided that no period shall be reckonable as contributing service under sub-paragraph (a) or (b) of this paragraph unless, had that period been reckonable immediately before he left his former employment as contributing service under the Act of 1937, or as service or as a period of contribution under the local Act scheme to which he was a contributor, it would have been reckonable in the employment in which the person is an officer."

5. In regulation 15A—

- (a) in the heading, after the words "made under" there shall be inserted the words "the English or Scottish Local Government regulations, 1954";
- (b) in sub-paragraph (a), after the words "in which he was" there shall be inserted the words "a contributory employee or a person";
- (c) in sub-paragraph (b), after the words "additional contributory payments under" there shall be inserted the words "the second schedule to the English or Scottish Local Government regulations, 1954,";
- (d) in the proviso, after the words "employment in which he was" there shall be inserted the words "a contributory employee or a person".

6. After regulation 15A there shall be inserted the following new regulations:—

"Continuation of additional contributory payments previously made under a local Act scheme

15B.—(1) The following provisions of this regulation shall apply where a person to whom regulation 14(2) applies—

- (a) has become an officer after leaving employment in which he was a local Act contributor; and

(b) at the time when he left that employment was in the course of making payments (otherwise than in respect of added years) by way of—

- (i) instalments in discharge of a fixed sum; or
- (ii) contributions of a fraction or percentage of emoluments additional to the percentage payable in respect of current service,

as a condition of being entitled to reckon any period of employment in relation to which those payments were being made as a period of service or a period of contribution for the purposes of the local Act scheme, or as a condition of increasing the length at which the said period of employment would be reckonable as a period of service or a period of contribution for the purpose of calculating a benefit under the local Act scheme.

(2) If the officer notifies the employing authority in writing within three months after entering their employment that he elects to make payments in pursuance of this regulation and pays to that authority an amount equal to any sum paid to him by way of a return of any such payments as are referred to in the last preceding paragraph, then—

- (a) in a case to which sub-paragraph (b)(i) of the last preceding paragraph applies the amount which, if paid as a single payment, would discharge the outstanding liability; and
- (b) in a case to which sub-paragraph (b)(ii) of the last preceding paragraph applies the capital value of the outstanding liabilities, as certified by an actuary appointed by the local Act authority,

shall be deemed to be a sum payable under the second schedule to these regulations and if payment is made in accordance with the provisions of that schedule the period of employment in respect of which the payments were being made shall be reckonable as a period of contributing service in the manner in which it would have been reckonable under these regulations if the payments had been completed before the officer left the employment in which he was a local Act contributor.

Provisions with respect to added years

15C.—(1) Subject as hereinafter provided, where a person to whom regulation 14(2) applies—

- (a) has become an officer after leaving employment in which he was a contributory employee or local Act contributor; and
- (b) at the time when he left that employment was in the course of making payments in respect of added years,

then, if he complies with such of the conditions set out in the next succeeding paragraph as are applicable in his case, he shall be entitled to continue to make the like payments to his employing authority in respect of the added years as he would have been liable to make to the appropriate superannuation fund if the superannuation enactment to which he was subject

in his former employment had been applicable to him in his new employment; and if he makes the said payments to his employing authority in the manner in which, and at the times at which, he would have been liable to make them as aforesaid, he shall be entitled—

- (i) to enjoy in relation to his employment as an officer rights in respect of added years corresponding to the rights which he would have enjoyed if at the time of entering the employment in which he is an officer he had become a contributory employee; and
- (ii) to continue to enjoy those rights so long as he makes payments in respect of the said added years in the manner and at the times aforesaid and remains an officer of any employing authority without a break of twelve months or more during no part of which he is a contributory employee or local Act contributor.

(2) The conditions to which the last preceding paragraph refers are that—

- (a) within three months after entering employment in which he is an officer he gives notice in writing to his employing authority of his election to continue payments in respect of the said added years and pays to that authority an amount equal to any sum paid to him by way of return of contributions paid in respect of the said added years on or after his ceasing to hold the employment in which he was a contributory employee or local Act contributor together with an amount equal to any income tax which was deducted from his contributions in respect of such return; and
- (b) he pays to the employing authority in respect of the period since he left the employment in which he was a contributory employee or local Act contributor an amount equal to the amount which in the aggregate he would have paid to the superannuation fund to which he was a contributor in respect of that period if he had remained in his former employment.

(3) Notwithstanding anything in the preceding provisions of this regulation—

- (a) an officer shall not be entitled to make payments in respect of added years under paragraph (1) of this regulation if he left the employment in which he was a contributory employee or local Act contributor in such circumstances that in consequence of a resolution of the authority by whose consent the added years first became reckonable he ceased to be entitled to reckon the said added years;
- (b) an officer who makes payments in respect of added years under paragraph (1) of this regulation in respect of employment in which he is an officer shall also make payments in respect of those added years—

- (i) in respect of any other employment as an officer which he holds concurrently with the first-mentioned employment; and
- (ii) in respect of any period (since he first became entitled to reckon added years under paragraph (1) of this regulation) during which he was not an officer unless during that period he became a contributory employee or local Act contributor.

(4) Payments in respect of any such period as is referred to in sub-paragraph (b)(ii) of the last preceding paragraph shall be made at the rate at which payments in respect of added years were being made by the person concerned immediately before he ceased to be an officer and shall be paid to the employing authority within three months after the person concerned has entered the employment in which he is an officer."

7. In regulation 28, after sub-paragraph (c) of paragraph (2) thereof, there shall be inserted the following sub-paragraph:—

"(d) in the case of a person who has entered employment in which he has become a contributory employee or local Act contributor in respect of whom the Ministry has paid a transfer value under regulation 45, as a person to whom paragraph (1) of regulation 21 of the English or Scottish Local Government regulations, 1954, or paragraph (1) of regulation 22 of those regulations applies;"

8. In regulation 32—

- (a) in paragraph (4) thereof after the words "was applicable" there shall be inserted the words "or a contributory employee or local Act contributor having rights corresponding with those conferred by sub-paragraph (b) of paragraph (1) or paragraph (2) of this regulation" and after the words "at any one time" there shall be added the words "during no part of which he was a person to whom paragraph (1) of regulation 21 of the English or Scottish Local Government regulations, 1954, or paragraph (1) of regulation 22 of those regulations applied";
- (b) in paragraph (5) thereof after the words "during no part of which he was" there shall be inserted the words "a person to whom paragraph (1) of regulation 21 of the English or Scottish Local Government regulations, 1954, or paragraph (1) of regulation 22 of those regulations applied or was".

9. In regulation 33—

- (a) in sub-paragraphs (a) and (b) of paragraph (3) thereof after the words "established civil servant" there shall be inserted the words "a contributory employee, a local Act contributor";

(b) after sub-paragraph (a) of paragraph (3) thereof there shall be inserted the following sub-paragraph:—

“(aa) if he became an officer of an employing authority within twelve months after leaving employment in relation to which he was subject to the Act of 1937 or a local Act scheme, as modified by regulations made under sub-section (4) of section 69 of the National Insurance Act, 1946 (which relates to the modification of pension schemes in consequence of the passing of that Act), or if he left that employment in order to undertake war service or if immediately after leaving that employment he became engaged in national service, within six months after the termination of that service, and remained an officer until becoming entitled to a pension, without any break of twelve months or more during no part of which he was an established civil servant, a contributory employee, a local Act contributor or a person subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, and if by virtue of the said regulations or regulations made under section 1 of the Act of 1953 (which authorises regulations to be made as to superannuation benefits for persons who are or have been contributory employees) or a local Act scheme any superannuation allowance to which he might have become entitled under the enactment or scheme to which he was subject as aforesaid would have been reduced by reference to his age at the material date—

(i) 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 material date, for each year of contributing service on and after that date or in respect of which he paid reduced contributions in pursuance of a scheme (hereinafter called a “pre-existing scheme”) made under sub-section (3) of section 28 of the Widows’ Orphans’ and Old Age Contributory Pensions Act, 1936 (which conferred a power to modify existing superannuation schemes), or the corresponding provisions of any Act repealed by that Act; and

(ii) by one-half of the said annual sum for each year of non-contributing service on and after the said date;”;

(c) in proviso (i) to paragraph (3) thereof, after the expression “sub-paragraph (a)” there shall be inserted the expression “or (aa)”;

(d) after proviso (iiB) to paragraph (3) thereof there shall be inserted the following proviso:—

“(iiC) if a person having paid reduced contributions for any period in pursuance of a pre-existing scheme has, in pursuance of that scheme, paid a sum representing the difference between those reduced contributions and the sum he would have contributed had his contributions not been reduced, his service during that period shall not for the purposes of sub-paragraph (aa) of this paragraph be treated as service in respect of which reduced contributions were paid;”;

(e) in paragraph (8) thereof—

(i) after the words “established civil servant” where they first occur and where they occur for the third time there shall be inserted the words “, a contributory employee, a local Act contributor”;

(ii) after sub-paragraph (b) there shall be inserted the following sub-paragraph:—

“(c) in the case of a person who in the employment he has left was a contributory employee or a local Act contributor, insured or deemed to have been insured under the National Health Insurance Acts, 1936-1938, as amended by the National Health Insurance Contributory Pensions and Workmen’s Compensation Act, 1941, or the Widows’, Orphans’ and Old Age Contributory Pensions Act, 1936, or an insured person for the purposes of the National Insurance Act, 1946, and also having been excepted from the provisions of any regulations made under sub-section (4) of section 69 of the National Insurance Act, 1946, modifying the Act of 1937 or a local Act scheme;”;

(f) in paragraph (9) thereof, after the words “established civil servant” there shall be inserted the words “, a contributory employee, a local Act contributor”;

(g) in paragraph (12) thereof after the words “of sub-paragraphs (a)” there shall be inserted the expression “, (aa)” and after the words “established civil servant” there shall be inserted the words “, a contributory employee, a local Act contributor”;

(h) there shall be added the following new paragraph:—

“(13) In this regulation—

(a) “the material date” means—

(i) in relation to a person to whom sub-paragraph (aa) of paragraph (3) of this regulation applies (other than a person who was subject to the provisions relating

to modification of retirement benefits contained in the English or Scottish Local Government regulations, 1954, or who was subject to corresponding provisions contained in a local Act scheme), the date on which regulations made under subsection (4) of section 69 of the National Insurance Act, 1946, first applied to him; and

- (ii) in relation to a person to whom sub-paragraph (aa) of paragraph (3) of this regulation applies and who was subject to the said provisions in the English or Scottish Local Government regulations, 1954, or corresponding provisions contained in a local Act scheme, the material date as defined in sub-paragraph (1) of paragraph 1 of the third schedule to the English or Scottish Local Government regulations, 1954, or, as the case may be, the corresponding date prescribed by the relevant local Act scheme; and
- (b) "superannuation allowance" includes a retirement benefit as defined in regulation 24 of the English or Scottish Local Government regulations, 1954, and any corresponding benefit under a local Act scheme."

10. In regulation 40A, in the proviso thereto—

- (a) after the words "who after leaving employment as an officer" there shall be inserted the words "has become a contributory employee or local Act contributor or";
- (b) after the words "course of study or training if," there shall be inserted the words "under rules made under section 2 of the Act of 1948 or";
- (c) after the words "determining for the purpose of" there shall be inserted the words "those rules,";
- (d) after the words "in his new employment, and if," there shall be inserted the words "under those rules or".

11. In regulation 45—

- (a) after the words "other than a return of contributions," there shall be inserted the words "has become a contributory employee or a local Act contributor or";
- (b) there shall be substituted for the proviso thereto the following proviso:—

"Provided that this paragraph shall not apply to any person unless within such period as may be specified in rules made under section 2 of the Act of 1948 or in the enactment or scheme to which he has become subject he has given such notice and furnished such particulars as may be required by the aforesaid rules,

enactment or scheme, as the case may be, as a condition of his being able to reckon any of the service which he was entitled to reckon immediately before ceasing to be an officer of an employing authority and in the case of a person who, on or after leaving the employment in which he was an officer, received a return of contributions—

- (a) he has, if he has become a contributory employee or local Act contributor, made a payment to his employer or to the authority maintaining the fund to which he has become a contributor in accordance with the provisions of the aforesaid rules; or
- (b) he has, if he has become subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, paid to the authority or body by whom he has become employed or the authority administering the scheme to which he has become subject, as the case may be, an amount equal to any sum paid to him by way of such return as aforesaid, together with an amount equal to any income tax which was deducted from his contributions in respect of such return."

12. In the second schedule—

- (a) in the heading, for the expression "regulation 15A" there shall be substituted the expression "regulations 15A and 15B";
- (b) in sub-paragraph (d) of paragraph 3 thereof, after the words "without in the meantime having become" there shall be inserted the words "a contributory employee, local Act contributor or a person".

13. In the eighth schedule—

- (a) in paragraph 1 of Part I thereof—
 - (i) there shall be substituted for the definition of "age" the following definition:—
 - " "age", in relation to a person who in the employment he has entered is a contributory employee or local Act contributor and who ceased to hold his employment under an employing authority twelve months or more before the first day of January, 1958, means his age at that date; in relation to a person to whom the proviso to regulation 40A applies, means his age at the date on which he became a contributory employee or local Act contributor or a person subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations; and in relation to any other person, means his age at the material date;";
 - (ii) in the definition of "contributing service" after the words "has become" there shall be inserted

the words "a contributory employee or local Act contributor to whom paragraph (1) of regulation 21 of the English or Scottish Local Government regulations, 1954, or paragraph (1) of regulation 22 of those regulations applies or has become";

- (b) paragraph 2 of Part I thereof shall be deleted;
- (c) in paragraph (i) of proviso (d) to paragraph 3 of Part I thereof the words in brackets shall be deleted;
- (d) there shall be substituted for paragraph (ii) of proviso (d) to paragraph 3 of Part I thereof the following paragraphs:—
 - "(ii) by an amount equal to any amount (estimated if necessary by the Government Actuary) which when the person ceased to hold the employment in relation to which the transfer value is payable remained to be paid by him under paragraph (10), (11) or (12) of regulation 14, paragraph (3), (4) or (6) of regulation 15 or regulation 15A or 15B as a condition of reckoning any period of non-contributing service as contributing service or reckoning any period of employment as service or increasing the length at which the said period of employment would otherwise have been reckonable as service; and
 - (iii) by an amount estimated by the Government Actuary to be the capital value of the person's outstanding liability under regulation 15C in respect of added years at the date on which he ceased to hold the employment in relation to which the transfer value is payable."
- (e) after the words "employing authority," where they occur for the second time in paragraph 4 of Part I thereof and in paragraph 3 of Part II thereof and where they occur for the fourth time in paragraph 3 of Part III thereof there shall be inserted the words "a contributory employee, a local Act contributor".

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this nineteenth day of December, 1957, in the presence of

(L.S.)

J. L. O. Andrews,

Minister of Health and Local Government.

The Ministry of Finance for Northern Ireland hereby approves the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this twentieth day of December, 1957, in the presence of

(L.S.)

Terence O'Neill,

Minister of Finance.

EXPLANATORY NOTE

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

These regulations make provision with respect to the superannuation rights of persons leaving the Northern Ireland Health Service to take up employment in the local government service in Great Britain or who enter the Northern Ireland Health Service after having left such employment.

Broadly the regulations provide that—

- (a) if a superannuable employee in the Northern Ireland Health Service transfers within a prescribed period (generally twelve months) to superannuable employment in the local government service in Great Britain a transfer value of an appropriate amount shall be payable by the Ministry to the superannuation fund to which he has become a contributor;
- (b) if a superannuable employee under a local government superannuation scheme in Great Britain transfers within the prescribed period to superannuable employment in the Northern Ireland Health Service and the Ministry receives an appropriate transfer value from the fund to which the employee was formerly a contributor then he shall be entitled to reckon his former employment in the local government service in Great Britain for the purposes of the Northern Ireland Health Services Superannuation Scheme.

Complementary provision is to be made by the appropriate English and Scottish Departments to confer corresponding powers on local authorities in Great Britain maintaining superannuation funds.

Travelling Expenses

REGULATIONS, DATED 18TH FEBRUARY, 1957, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER ARTICLE 4(b) OF PART IV OF THE FIRST SCHEDULE AND ARTICLE 6 OF THE SECOND SCHEDULE TO THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1957. No. 25

[C]

The Ministry of Health and Local Government, in exercise of the powers conferred by Article 4(b) of Part IV of the First Schedule, and Article 6 of the Second Schedule to the Health Services Act (Northern Ireland), 1948, in conjunction with the Ministry of Finance, hereby makes the following regulations:—

1. These Regulations may be cited as the Health Services (Travelling Expenses) (Amendment) Regulations (Northern Ireland), 1957, and shall be deemed to have had effect from the fifth day of December, 1956.