

1961. No. 169

[C]

**NATIONAL INSURANCE****Non-participation—Assurance of Equivalent Pension Benefits**

REGULATIONS, DATED 31ST JULY, 1961, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1959.

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sub-section (8) of section 6, sub-sections (3) and (4) of section 8 and sub-section (2) of section 12 of the National Insurance Act (Northern Ireland), 1959(a), and of all other powers enabling it in that behalf, hereby makes the following regulations :

*Citation and commencement*

1. These regulations, which may be cited as the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Amendment Regulations (Northern Ireland), 1961, shall be read as one with the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations (Northern Ireland), 1960(b) (hereinafter referred to as “the principal regulations”), and shall come into operation on the 7th August, 1961.

*Amendment of regulation 3 of the principal regulations*

2.—(1) Regulation 3 of the principal regulations (which relates to employment not treated as continuing during interruption) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the First Schedule.

(2) At the end of the proviso to the said regulation 3 there shall be added the following paragraph :

“(c) where a person’s period of service in a non-participating employment would fall to be treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end but for the provisions of sub-section (4) of section 8 of that Act (which sub-section provides that, for the purpose of any liability to make a payment in lieu of contributions, two employments are in certain cases to be treated as a single continuous employment), the employer in the previous employment may give notice under this regulation not later than the end of the assurance period relating to that employment.”

*Amendment of regulation 4 of the principal regulations*

3.—(1) Regulation 4 of the principal regulations (which relates to notice of end of employment) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Second Schedule.

(2) At the end of paragraph (i) of the proviso to the said regulation 4 there shall be inserted the words “or if the Ministry has so directed under regulation 11A”.

(a) 1959, c. 21.

(b) S.R. &amp; O. (N.I.) 1960, No. 181.

*Amendment of regulation 7 of the principal regulations*

4. Paragraph (2) of regulation 7 of the principal regulations (which paragraph provides for a certificate of assurance required by that regulation to be delivered to any person to be treated as duly delivered if sent by registered post) shall be amended by the insertion after the words "registered post" of the words "or by recorded delivery service".

*Amendment of regulation 11 of the principal regulations*

5.—(1) Regulation 11 of the principal regulations (which relates to the certificate to be furnished where two employments are to be treated for the purpose of any liability to make a payment in lieu of contributions as a single continuous employment) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Third Schedule.

(2) In paragraph (1) of the said regulation 11 after the words "the same recognised superannuation scheme relates to both" there shall be inserted the words "or where the Ministry has given a direction to the contrary under regulation 11A", and in paragraph (2) of the said regulation 11 for the word "paragraph" where it first occurs there shall be substituted the word "regulation".

(3) Paragraph (3) of the said regulation 11 shall be omitted and is hereby revoked.

*Addition to the principal regulations*

6. After regulation 11 of the principal regulations there shall be inserted the following new regulation:

*"Exemption from duty to give notice of end of employment or certificate under regulation 11*

11A. Where, apart from this regulation, a certificate is required to be given and delivered under regulation 11, the Ministry may, where either—

- (a) the recognised superannuation scheme relating to the new employment is a statutory scheme; or
- (b) both employments are under the same employer, but the same recognised superannuation scheme does not relate to both; or
- (c) the same recognised superannuation scheme relates to both employments, but the previous employment and the new employment are under different employers;

by a direction in writing in such cases as it may direct and subject to such conditions as it may impose exempt the employer in the previous employment from his duty to give a notice of the end of that employment under regulation 4 or (whether so exempting that employer or not) dispense with or modify the requirements of regulation 11 concerning the giving and delivery of a certificate thereunder."

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 31st day of July, nineteen hundred and sixty-one.

(L.S.)

H. A. Lowry,  
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 31st day of July, nineteen hundred and sixty-one.

(L.S.)

W. W. Arthur,  
Assistant Secretary.

## FIRST SCHEDULE

Regulation 2

**Regulation 3 of the Principal Regulations, as amended\***

Employment not treated as continuing during interruption

3. A person's employer may, after the end of that person's period of service in a non-participating employment and not later than the end of the assurance period, give the Ministry notice in writing that he wishes the employment not to be treated, for the purpose of the provisions of Part II of the Act of 1959 relating to the making of a payment in lieu of contributions at the end of such a period of service, as having continued during such number of contribution weeks as may be specified in the notice, being contribution weeks during which it would, apart from this regulation, fall, under paragraph (3) of regulation 2, to be treated for that purpose as having continued, and, if such a notice is given, the employment shall not be so treated as having continued during those weeks:

Provided that—

- (a) no such notice shall include any contribution weeks in a contribution year where the number of contribution weeks in that year during which the employment would so fall to be treated as having continued is three or less;
- (b) where that number of contribution weeks exceeds three, at least three of those weeks shall be excluded from the notice; and
- (c) *where a person's period of service in a non-participating employment would fall to be treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end but for the provisions of sub-section (4) of section 8 of that Act (which sub-section provides that, for the purpose of any liability to make a payment in lieu of contributions, two employments are in certain cases to be treated as a single continuous employment), the employer in the previous employment may give notice under this regulation not later than the end of the assurance period relating to that employment.*

## SECOND SCHEDULE

Regulation 3

**Regulation 4 of the Principal Regulations, as amended\***

Notice of end of employment

4. Where a person's period of service in a non-participating employment—

- (a) falls to be treated, for the purpose of the provisions of Part II of the Act of 1959 relating to the making of a payment in lieu of contributions at the end of such a period, as having come to an end; or
- (b) would fall to be so treated for that purpose but for the provisions of sub-section (4) of section 8 of that Act (which sub-section provides that, for the purpose of any liability to make a payment in lieu of contributions, two employments are in certain cases to be treated as a single continuous employment);

it shall be the duty of the employer to give the Ministry notice in writing to that effect within the assurance period:

\*The words added or substituted by these regulations are shown in italics.

Provided that—

- (i) this regulation shall not apply where notice under paragraph (5) of regulation 2 has been given by the person and his employer, or, in a case such as is referred to in paragraph (b), if both employments are under the same employer and the same recognised superannuation scheme relates to both *or if the Ministry has so directed under regulation 11A*; and
- (ii) a notice of application for an extension or further extension of the period of thirteen contribution weeks referred to in paragraphs (2) and (3) of regulation 2 shall, if the application is not granted, be deemed to be a notice for the purpose of this regulation.

### THIRD SCHEDULE

### Regulation 5

#### Regulation 11 of the Principal Regulations, as amended\*

Certificate to be furnished for the purpose of section 8(4) of the Act of 1959

11.—(1) Where in any case the provisions of paragraphs (a), (b), (c) and (d) of sub-section (4) of section 8 of the Act of 1959 are satisfied or, if the provisions of paragraph (c) of the said sub-section do not apply by virtue of paragraph (3) of regulation 10, the provisions of paragraphs (a), (b) and (d) of the said sub-section (4) are satisfied, the certificate described in the following provisions of this regulation shall, save in a case where both employments are under the same employer and the same recognised superannuation scheme relates to both *or where the Ministry has given a direction to the contrary under regulation 11A*, be given and delivered in accordance with those provisions.

(2) Subject to the provisions of the next following *regulation*, the certificate referred to in the foregoing paragraph shall be given by the responsible paying authority of the recognised superannuation scheme relating to the new employment and shall contain the following particulars—

- (a) the period of service in the previous employment (including any earlier employment treated as continuous therewith under sub-section (4) of section 8 of the Act of 1959);
- (b) the equivalent pension benefits for which the service in the previous employment qualifies the person employed under the recognised superannuation scheme relating to the new employment (or if paragraph (3) of regulation 10 applies, under the recognised superannuation schemes relating to both employments) and the manner in which it so qualifies him, and, where the qualification is contingent on the like assumptions in relation to his new employment as are to be made under sub-sections (2) and (3) of section 7 of the Act of 1959, what those assumptions are; and
- (c) if that scheme is a non-statutory scheme, the manner in which the provisions of paragraph (b) of sub-section (4) of section 7 of the Act of 1959 (which contains conditions under which a scheme or arrangement, other than one established by Act of Parliament or of the Parliament of the United Kingdom or other instrument having the force of law, is a recognised superannuation scheme) are satisfied in relation to those benefits.

(4) A certificate as provided in paragraph (1) shall be given by the responsible paying authority to the employer in the previous employment not later than the end of the assurance period relating to the previous employment, and that employer shall deliver it to the Ministry and a copy thereof to the insured person not later than the end of that period.

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\*The words added or substituted by these regulations are shown in italics.