

## EXPLANATORY NOTE

*(This note does not form part of the Scheme, but is intended to indicate its general purport.)*

This Scheme provides a means for comparative testing of point-of-lay pullets from Accredited Poultry Farms and other poultry breeders.

1961. No. 47

[C]

## NATIONAL INSURANCE

## Modification of the Superannuation Acts

REGULATIONS, DATED 1ST MARCH, 1961, MADE BY THE MINISTRY OF FINANCE UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 1959.

The Ministry of Finance, having determined under sub-section (4) of section 66 of the National Insurance Act (Northern Ireland), 1946(a), that it is the appropriate Government department in relation to the scheme for the provision of pensions established by the Superannuation Acts, and in exercise of the powers conferred upon it by the said sub-section as extended by section 14 of the National Insurance Act (Northern Ireland), 1959(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Insurance (Modification of the Superannuation Acts) Regulations (Northern Ireland), 1961, and shall come into operation on the 3rd day of April, 1961.

(2) In these regulations—

“the Act of 1959” means the National Insurance Act (Northern Ireland), 1959;

“graduated contributions” means graduated contributions under the Act of 1959;

“graduated retirement benefit” means graduated retirement benefit under the Act of 1959;

“non-participating employment” has the meaning assigned to it by sub-section (2) of section 6 of the Act of 1959;

“non-participating service” means, in relation to any person, so much of his service in a non-participating employment after the 5th day of April, 1961, as is either—

(a) service in the civil service, or

(b) other service which is reckonable service;

“notional graduated retirement benefit” means, in relation to any person, the amount, expressed as a yearly rate, of the graduated retirement benefit which would be payable to him in return for an amount of graduated contributions equal to one such contribution paid in each

week of the period of his non-participating service in respect of a weekly payment of remuneration of fifteen pounds;

“pensionable age” has the meaning assigned to it by sub-section (1) of section 74 of the National Insurance Act (Northern Ireland), 1946;

“reckonable service” means, in relation to any person, service which is reckonable for the purpose of determining the amount of his superannuation allowance;

“the civil service” means the civil service of Northern Ireland;

“the Superannuation Acts” means the Superannuation Acts (Northern Ireland), 1921 to 1958, and includes any enactments thereby applied to the civil service;

“superannuation allowance” includes any annual superannuation, compensation or retiring allowance payable under the Superannuation Acts, but does not include any annual allowance granted in the case of injury arising from service in accordance with the terms of a warrant made by the Ministry of Finance under section 39 of the Superannuation Act (Northern Ireland), 1949(a);

“modification provision” means, in relation to any pension scheme, any provision, the effect of which is that pensions under that scheme are to be reduced in connection with the operation of the provisions of the Act of 1959, relating to the payment of graduated retirement benefit, or the provisions of the National Insurance Act, 1959, or the National Insurance (Isle of Man) Act, 1961, relating to the payment of similar benefit.

*Curtailment of power to terminate or suspend a superannuation allowance*

2. Where a superannuation allowance is granted under the Superannuation Acts to a person who, immediately before he ceased to be employed in the civil service, was employed in a non-participating employment, so much of his superannuation allowance as is equal to the amount of his notional graduated retirement benefit shall, notwithstanding anything in the Superannuation Acts, not be capable of being terminated or suspended except for causes prescribed by regulations made by the Ministry of Labour and National Insurance under paragraph (c) of sub-section (1) of section 7 of the Act of 1959.

*Limitation of amount of pension which may be allocated*

3.—(1) Where a person who is employed in the civil service in a non-participating employment, or who, immediately before he ceased to be employed in the civil service, was employed in a non-participating employment, surrenders part of a superannuation allowance under section 2 of the Superannuation Act (Northern Ireland), 1935(b), the part of the allowance surrendered by him shall, notwithstanding anything in that section or any Rules made thereunder, not exceed the difference between the amount of the allowance and his notional graduated retirement benefit.

(2) Where a person who, immediately before he ceased to be employed in the civil service, was employed in a non-participating employment surrenders part of a superannuation allowance under section 33 of the Superannuation Act (Northern Ireland), 1949, the part of the allowance surrendered by him under that section, together with any part thereof surrendered under section 2 of the Superannuation Act (Northern Ireland), 1935, shall, notwithstanding

(a) 1949. c. 13.

(b) 26 Geo. 5 & 1 Edw. 8 (N.I.) c. 2.

anything in the said section 33 or any Rules made thereunder, not exceed the difference between the amount of the allowance and his notional graduated retirement benefit.

*Reduction of superannuation allowances on account of graduated pension attributable to service in the civil service*

4.—(1) Where—

- (a) a person to whom a superannuation allowance is granted under the Superannuation Acts is entitled to graduated retirement benefit, or would be so entitled if he were over pensionable age and had retired from regular employment, and
- (b) the whole or any part of such graduated retirement benefit is attributable to graduated contributions paid, or treated by virtue of sub-section (3) of section 6 of the Act of 1959 as having been paid, by him during any period of his reckonable service in respect of his employment in the civil service, and
- (c) the number of units of such graduated contributions, ascertained in accordance with sub-sections (3) and (4) of section 4 of the Act of 1959, exceeds four,

his superannuation allowance shall, in respect of any period after he has attained pensionable age, be reduced in accordance with the next following paragraph.

(2) The yearly rate of such person's superannuation allowance shall be reduced by one pound six shillings for every unit, ascertained in accordance with sub-sections (3) and (4) of section 4 of the Act of 1959, of graduated contributions paid, or treated by virtue of sub-section (3) of section 6 of that Act as having been paid, by him during any period of his reckonable service in respect of his employment in the civil service.

*Reduction of superannuation allowances on account of graduated pension attributable to service in a former employment*

5.—(1) Where—

- (a) a person has become employed in the civil service after having been employed in another employment (hereafter in this regulation referred to as "his former employment"), and
- (b) by virtue of the provisions of any rules under section 5 of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1951(a), or section 2 of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1958(b), or of any regulation under section 3 of the Superannuation Act (Northern Ireland), 1925(c), or sub-section (1) of section 61 of the Health Services Act (Northern Ireland), 1948(d), or by virtue of any other provision in any enactment, rules or regulations, his service in his former employment is to be reckoned in any manner and to any extent as service in the civil service for the purposes of the Superannuation Acts, and
- (c) he ceases to be employed in the civil service in such circumstances that a superannuation allowance is granted to him under the Superannuation Acts,

(a) 1951. c. 28.

(b) 1958. c. 21.

(c) 15 & 16 Geo. 5. (N.I.) c. 28.

(d) 1948. c. 3.

his superannuation allowance shall, in respect of any period after he has attained pensionable age, be reduced by the amount, if any, by which his pension under the pension scheme to which he was subject immediately before he ceased to be employed in his former employment would have been reduced if—

- (i) having continued in his former employment and having retired from it on the day on which he ceased to be employed in the civil service, he had become eligible under the said pension scheme for a pension of an amount equal to the superannuation allowance for which he is eligible under the Superannuation Acts apart from any provision for reducing such allowance in connection with the passing and operation of the National Insurance Acts (Northern Ireland), 1946 to 1959, and
- (ii) any modification provision which was, immediately before the date on which he ceased to be employed in his former employment, in operation in relation to the said pension scheme had been applied in his case by reference to his period of service before that date.

(2) Any amount by which a person's superannuation allowance is to be reduced in accordance with the provisions of this regulation shall be in addition to, and not in substitution for, any amount by which his superannuation allowance is to be reduced in accordance with the provisions of regulation 4.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 1st day of March, nineteen hundred and sixty-one, in the presence of

(L.S.)

C. J. Bateman,  
Assistant Secretary.

---

#### EXPLANATORY NOTE

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

The purpose of these Regulations is to modify the Superannuation Acts, relating to the Civil Service of Northern Ireland, in connection with the operation of the new graduated National Insurance scheme.

By virtue of sub-section (2) of section 6 of the National Insurance Act (Northern Ireland), 1959, an employment may not be contracted out of the scheme unless those employed in it qualify for equivalent pension benefits. Sub-section (1) of section 7 of the Act lays down the conditions which must be satisfied if an occupational pension scheme is to be treated as providing equivalent pension benefits. The purpose of Regulations 2 and 3 of these Regulations is to modify the Superannuation Acts so that the superannuation allowances payable to established civil servants will satisfy these conditions. Regulation 2 prevents the termination or suspension (except for prescribed causes) of so much of a superannuation allowance as is equivalent to the amount of graduated pension which would be payable if graduated contributions were paid at the maximum rate (i.e. on earnings of £15 a week) throughout a like period of service. Regulation 3 provides that a superannuation allowance shall not be reduced below a similar amount as the result of a surrender.

Regulations 4 and 5 provide for the reduction of the superannuation allowance payable during any period after age 65 (60 for women) to an