

1971. No. 53

[C]

**PENSIONS****The Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971**

REGULATIONS, DATED 19TH FEBRUARY 1971, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 3(2)(a) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1966, AS EXTENDED BY SECTION 1(5) OF, AND PARAGRAPH 6 OF SCHEDULE 2 TO, THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1969.

The Ministry of Finance (hereinafter referred to as "the Ministry"), in exercise of the powers conferred on it by section 3(2)(a) of the Pensions (Increase) Act (Northern Ireland) 1966(a), as extended by section 1(5) of, and paragraph 6 of Schedule 2 to, the Pensions (Increase) Act (Northern Ireland) 1969(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971 and shall come into operation on 1st March 1971.

*Interpretation*

2. In these Regulations—

"accumulated contributions" means, in relation to any person, the total sum which would have accumulated at the date of his retirement if, in respect of each year of the period of his FSSU service and any uncompleted part of a year at the end of such period, a sum equal to fifteen per cent. of the annual rate of the salary to which he was entitled at the beginning of such year (or in the case of any such uncompleted part of a year, fifteen per cent. of the proportionate part of such annual rate) had been accumulated with compound interest at three per cent. per annum calculated with yearly rests from the beginning of such year or uncompleted part of a year as aforesaid until the date of his retirement:

Provided that where a person's period of FSSU service includes a period of service in respect of which a transfer value has been paid, and any such service was, for the purpose of calculating the amount of the transfer value, taken into account at a fraction of its actual length, then in respect of the service so taken into account the percentage of the annual rate of his salary to be used in calculating his accumulated contributions shall, instead of fifteen per cent., be the appropriate fraction of fifteen per cent.;

"adjusted rate", in relation to a person's notional annuity, means the aggregate of that annuity and the annual rate of any allowances for which he is eligible under the Regulations of 1965 and 1966, any fraction of a pound in that aggregate being treated as a whole pound;

“civil servant” has the meaning assigned to it by section 91(2) of the Superannuation Act (Northern Ireland) 1967(c);

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

“date of retirement” means, in relation to a person retiring from the civil service, the date of such retirement and, in relation to a person who retires from an employment which is approved employment within the meaning of section 40 of the Superannuation Act (Northern Ireland) 1967 and to whom Regulation 3(1)(a)(iv) applies, the date of his retirement from that employment;

“FSSU scheme” means a superannuation scheme operated under the Federated Superannuation System for Universities;

“government annuity tables” means, in relation to any time before 1st August 1962, the tables in force at that time under section 53 of the Government Annuities Act 1929(d) and in relation to any time on or after 1st August 1962, the tables in force under the said section 53 at the commencement of the Finance Act 1962(e) as varied by any Order of the Treasury in force at that time under section 33(4) of the Finance Act 1962;

“notional annuity” means—

(a) in the case of a person to whom neither Regulation 3(1)(c)(iii) nor 3(1)(c)(v) applies and whose superannuation benefits are provided by means of an insurance policy, the annuity (calculated in accordance with the guaranteed rates of the insurance company with whom the policy is taken out) which would have been payable to him if he had elected to take the benefits payable under the policy at the date of his retirement in the form of an annuity, and

(b) in the case of a person to whom neither Regulation 3(1)(c)(iii) nor 3(1)(c)(v) applies and whose superannuation benefits are provided not by means of an insurance policy but by means of the investment and accumulation of contributions, the annuity (calculated in accordance with the government annuity tables applicable at the date of his retirement) which would have been payable to him if he had elected to take the benefits payable to him at the date of his retirement in the form of an annuity, and

(c) in the case of a person to whom either Regulation 3(1)(c)(iii) or 3(1)(c)(v) applies, the annuity (calculated in accordance with the government annuity tables applicable at the date of his retirement) which a sum equal to his accumulated contributions would purchase for him at the date of his retirement:

Provided that in each case the annuity to be calculated as aforesaid shall be calculated only in respect of the person’s period of FSSU service;

“period of FSSU service” means, in relation to any person, the period in respect of which, while he was employed in relevant employment, contributions were paid in his case under an FSSU scheme but does not include any period in respect of which the employer’s contributions paid in his case have been refunded by him and for this purpose any contributions refunded by him shall be taken to be those employer’s contributions which were last paid in his case before he ceased to be subject to an FSSU scheme; and the said expression includes, in relation to a person in respect of whom the following conditions are fulfilled:—

(c) 1967. c. 24 (N.I.).  
(d) 19 & 20 Geo. 5. c. 29.

(e) 10 & 11 Eliz. 2. c. 44.

- (a) that he has been employed in employment in which his service would, if he had continued to serve in that employment, have rendered him eligible for a pension specified in Schedule 1 to the Pensions (Increase) Act (Northern Ireland) 1969; and
- (b) that a transfer value paid in respect of his service in that employment on his leaving that employment and entering other employment has been invested for his benefit under the Federated Superannuation System for Universities in the purchase of a policy of insurance on his life,

the period of service in respect of which that transfer value was paid;

“the Regulations of 1965” means the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1965(f);

“the Regulations of 1966” means the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1966(g);

“relevant employment” means any of the following kinds of employment:—

- (a) employment in the civil service;
- (b) employment by a university or university college in the United Kingdom or by a college of the University of Oxford or Cambridge;
- (c) employment by any of the bodies specified in the Schedule;

“the Superannuation Acts” means the Superannuation Acts (Northern Ireland) 1967 and 1969.

*Benefits corresponding to those of the Pensions (Increase) Act (Northern Ireland) 1969*

3.—(1) This Regulation shall apply to any person who—

(a) either—

- (i) retires from the civil service after attaining the age of sixty years, or
- (ii) having retired from the civil service not earlier than the 11th August 1949 after attaining the age of fifty years, attains the age of sixty years without having again become employed in relevant employment, or
- (iii) retires from the civil service on account of physical or mental infirmity, or
- (iv) having been transferred with the consent of his department from employment in the civil service to employment which is approved employment within the meaning of section 40 of the Superannuation Act (Northern Ireland) 1967 and in which he is subject to an FSSU scheme (not being employment which is relevant employment), retires from the latter employment or from a subsequent employment which is approved employment within the meaning of the said section 40 and in which he is subject to an FSSU scheme (not being employment which is relevant employment) in such circumstances that he is eligible for a superannuation allowance, additional allowance or gratuity under the said section 40 or would be so eligible if he were a person to whom that section applies and, unless he retires on account of physical or mental infirmity, has before retirement attained or thereafter attains the age of sixty years; and

(f) S.R. & O. (N.I.) 1965, No. 219.

(g) S.R. & O. (N.I.) 1966, No. 236.

- (b) was employed in relevant employment and subject to an FSSU scheme during a period which began before 1st July 1967; and
- (c) either—
- (i) is at the date of his retirement from the civil service subject to an FSSU scheme, or
  - (ii) having been employed in relevant employment and subject to an FSSU scheme, has before the date of his retirement from the civil service ceased to be so subject and has become subject to the Superannuation Acts by reason of his transferring from one appointment to another in the civil service, or
  - (iii) having been employed in relevant employment and subject to an FSSU scheme, has before the date of his retirement from the civil service ceased to be so subject and has become subject to the Superannuation Acts otherwise than by reason of his transferring from one appointment to another in the civil service and has at some time after becoming subject to the Superannuation Acts been a civil servant, or
  - (iv) being such a person as is referred to in sub-paragraph (a)(iv) was at the date of his transfer from the civil service subject to an FSSU scheme, or
  - (v) being such a person as is referred to in sub-paragraph (a)(iv) was at some time during the period of his employment in relevant employment subject to an FSSU scheme and had before the date of his transfer from the civil service ceased to be so subject and had become subject to the Superannuation Acts, and
- (d) has not refunded the whole amount of the employer's contributions paid, during the period of his employment in relevant employment, in his case under an FSSU scheme.

(2) The Ministry may, in respect of any period beginning on or after 1st April 1969, pay to any person to whom this Regulation applies an allowance at the annual rate of eighteen per cent. of the adjusted rate of his notional annuity:

Provided that where the period of that person's FSSU service ends after 30th June 1955, the amount of the allowance which may be paid to him under this Regulation shall be reduced by a sum equal to one thirty-sixth of such amount for every year and any uncompleted part of a year by which 30th June 1955 precedes the last day of the period of his FSSU service.

*Amendment of existing Regulations to enable service in relevant employment to be taken into account in calculating increases*

4.—(1) The Regulations of 1965 shall have effect as if—

- (a) in Regulation 2 for the definitions of "accumulated contributions" and "period of FSSU service" there were substituted the following definitions:—

"accumulated contributions" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971;,"

"period of FSSU service" has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971;,"

- (b) in Regulation 2, in the proviso at (i) to the definition of "notional annuity", for the words "service in the civil service" there were substituted the words "FSSU service",
- (c) in Regulation 3(1)(a)(ii) after the words "sixty years" there were inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971",
- (d) in Regulation 3(1)(b)(ii) in the first line, in Regulation 3(1)(b)(iii) in the first line, in Regulation 3(1)(b)(v) in the second line and in Regulations 3(1)(c), 4(1), 5(1), 6(1), 7(1), and 8(1) for the words "the civil service" there were substituted the words "relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971".

(2) The Regulations of 1966 shall have effect as if—

- (a) in Regulation 2 for the definitions of "accumulated contributions" and "period of FSSU service" there were substituted the following definitions:—

“accumulated contributions” has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971;”,

“period of FSSU service” has the same meaning as in the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971;”,

- (b) in Regulation 2, in the proviso to the definition of "notional annuity", for the words "service in the civil service" there were substituted the words "FSSU service",
- (c) in Regulation 3(a)(ii) after the words "sixty years" there were inserted the words "without having again become employed in relevant employment as defined in the Federated Superannuation System for Universities (Pension Increase) Regulations (Northern Ireland) 1971",
- (d) in Regulation 3(b), in Regulation 3(c)(ii) in the first line, in Regulation 3(c)(iii) in the first line, in Regulation 3(c)(v) in the second line and in Regulation 3(d) for the words "the civil service" there were substituted the words "relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971".

(3) Any allowance, or any increase of an allowance, payable by virtue of this Regulation may take effect from 1st April 1969.

*Regulations of 1965 and Regulations of 1966 to cease to apply to persons retiring from approved employment which is relevant employment*

5. The Regulations of 1965 and the Regulations of 1966 shall cease to apply to a person who retires or has retired from approved employment within the meaning of section 40 of the Superannuation Act (Northern Ireland) 1967 which is relevant employment, and accordingly—

- (a) The Regulations of 1965 shall have effect as if in Regulation 3(1)(a)(iv) after the words "FSSU scheme" in the two places where they occur there were inserted the words "(not being employment which is relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971)";

- (b) The Regulations of 1966 shall have effect as if in Regulation 3(a)(iv) after the words "FSSU scheme" in the two places where they occur there were inserted the words "(not being employment which is relevant employment as defined in the Federated Superannuation System for Universities (Pensions Increase) Regulations (Northern Ireland) 1971)".

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 19th day of February 1971.

(L.S.)

*R. M. MacDonald,*  
Assistant Secretary.

#### SCHEDULE

Agricultural Research Council.  
 Agricultural Research Institute of Northern Ireland.  
 Animal Diseases Research Association.  
 The Animal Virus Research Institute.  
 The British Society for the Promotion of Vegetable Research.  
 The British Society for Research in Agricultural Engineering.  
 The East of Scotland College of Agriculture.  
 The Fish Helminthology Unit.  
 The Fisheries Biochemical Research Unit.  
 The Freshwater Marine Biological Association.  
 The Glasshouse Crops Research Institute.  
 The Grassland Research Institute.  
 The Hannah Dairy Research Institute.  
 The Harper Adams Agricultural College.  
 The Hill Farming Research Organisation.  
 The Houghton Poultry Research Station.  
 The Imperial Cancer Research Fund.  
 The Institute of Seaweed Research.  
 The John Innes Institute.  
 Kent Incorporated Society for Promoting Experiments in Horticulture.  
 Lawes Agricultural Trust, Rothamsted Experimental Station.  
 Long Ashton Research Station.  
 The Macaulay Institute For Soil Research.  
 The Marine Biological Association of the United Kingdom.  
 Medical Research Council.  
 The National Institute of Agricultural Botany.  
 The National Institute for Research in Dairying.  
 The Natural Environment Research Council.  
 The North of Scotland College of Agriculture.  
 Plant Breeding Institute.  
 The Rowett Research Institute.  
 The Royal Agricultural College.  
 Science Research Council.  
 The Scottish Horticultural Research Institute.  
 The Scottish Marine Biological Association.  
 Scottish Society for Research in Plant Breeding.  
 The Seale-Hayne Agricultural College.  
 Social Science Research Council.  
 Welsh Plant Breeding Station.  
 The West of Scotland Agricultural College.

## EXPLANATORY NOTE

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

These Regulations provide for pensions increases to be paid to persons who have served in the civil service and have been subject to the Federated Superannuation System for Universities.

The Regulations provide increases for persons who have retired from the civil service and also for certain persons who have retired from approved employment under FSSU after having been employed in the civil service. The amount of the increases and the conditions of eligibility correspond to those provided for in the Pensions (Increase) Act (Northern Ireland) 1969, although certain modifications are made to enable the increases to be applied to benefits based on an insurance scheme.

The Regulations also amend the existing Regulations which provide for pensions increases for persons who have been subject to FSSU during their employment in the civil service. The amendments are designed to give effect to new arrangements for paying increases to persons who have been subject to FSSU and have been transferred from one employment to another (e.g. from a university to the civil service or vice versa). Under existing arrangements each employer pays an increase in respect of that part of the employee's service which was served with him. Under the new arrangements the employee's last employer will pay the increase in respect of the whole of the employee's service.

The principal changes, which apply not only to increases under the existing Regulations but also to the new increases provided for in these Regulations, are:—

- (1) Where the employee retires from the civil service, the Ministry may pay a pensions increase in respect of any previous FSSU service with a university or with any of the bodies listed in the Schedule as well as in respect of his FSSU service in the civil service.
- (2) The Ministry may pay an increase in respect of previous FSSU service with a university or one of the bodies listed in the Schedule, even though the employee has not been subject to FSSU during his service in the civil service.
- (3) Persons who have transferred from FSSU service in the civil service to a university or one of the bodies listed in the Schedule will not be eligible for an increase under the Regulations (because in their case the increase will be payable by their last employer).
- (4) Service in certain previous employment in respect of which a transfer value has been invested in an FSSU policy may be taken into account in calculating the amount of an increase.

Under the power in section 3(3) of the Pensions (Increase) Act (Northern Ireland) 1966 the Regulations provide for any benefit or increase of a benefit payable by virtue of the Regulations to take effect from 1st April 1969.