1978 No. 121

PENSIONS

The Occupational Pension Schemes (Certification of Employments—Health Services) Regulations (Northern Ireland) 1978

Made . . . . . *8th May* 1978

Coming into operation . . . . *12th June* 1978

The Department of Health and Social Services after consultation with such bodies concerned with employments of the class to which these regulations apply as appeared to it fairly to represent the interests of the employers and earners in those employments, in exercise of its powers under article 53 of, and paragraph 8 of Schedule 2 to, the Social Security Pensions (Northern Ireland) Order 1975(a) as amended by article 18(18) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(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 Occupational Pension Schemes (Certification of Employments—Health Services) Regulations (Northern Ireland) 1978, and shall come into operation on 12th June 1978.

(2) In these regulations—

"the Order" means the Social Security Pensions (Northern Ireland) Order 1975;

"the Certification Regulations" means the Occupational Pension Schemes (Certification of Employments) Regulations (Northern Ireland) 1976(c);

"election" means an election with a view to the issue, variation or surrender under Part IV of the Order of a contracting-out certificate;

"the Notification Regulations" means the Contracted-out Employment (Notifications, Premium Payment and Miscellaneous Provisions) Regulations (Northern Ireland) 1976(d);

"the specified class of employments" has the meaning assigned to it in regulation 2;

and other expressions have the same meanings as in the Order.

Employments to which the regulations apply

2. In these regulations "the specified class of employments" means employments in which an earner's service qualifies him, under article 12 of the Superannuation (Northern Ireland) Order 1972(e), for the benefits provided for by the Health Services (Superannuation) Regulations (Northern Ireland) 1962(f), as amended(g).

(a) S.I. 1975/1503 (N.I. 15)
(b) S.I. 1977/610 (N.I. 11)
(c) S.R. 1976 No. 5 (I, p. 20)
(d) S.R. 1976 No. 101 (I, p. 432)
(e) S.I. 1972/1073 (N.I. 10)
(f) S.R. & O. (N.I.) 1962 No. 237 (p. 961)
(g) S.R. & O. (N.I.) 1967 No. 55 (p. 108), S.R. & O. (N.I.) 1971 No. 352 (p. 1601), S.R. & O. (N.I.) 1972 No. 343 (p. 1694), S.R. & O. (N.I.) 1973 No. 101 (I, p. 424), S.R. & O. (N.I.) 1973 No. 201 (I, p. 1032), S.R. & O. (N.I.) 1973 No. 360 (II, p. 2014), S.R. 1974 No. 93 (I, p. 302), S.R. 1974 No. 248 (II, p. 1179), S.R. 1974 No. 327 (II, p. 1493) and S.R. 1976 No 46 (I, p. 245)

Elections etc. to be made by the Department

3.—(1) In relation to the specified class of employments—

(*a*) the Department hereby directs that every election shall be made and revoked by it instead of by the employer;

(*b*) those things which are required or authorised to be done by or to an employer by or under the provisions referred to in paragraph (2) shall be done instead by or to the Department.

(2) The provisions referred to in paragraph (1) are—

(*a*) the provisions of articles 33, 44, 45 and 46 of the Order;

(*b*) the provisions of the Certification Regulations;

(*c*) the provisions of the Notification Regulations.

Employments to be treated for certain purposes as employments under a single employer

4. The specified class of employments shall be treated as employments under a single employer different from the employer in any other employment for the purposes of—

(*a*) article 44(1) of the Order (which relates to the payment of a contributions equivalent premium on termination of contracted-out employment) as read with article 45(2) of the Order;

(*b*) any regulations made under paragraph 3 of Schedule 2 to the Order (which enables regulations to be made for requiring an employer to give notice to the Department when an earner's employment becomes or ceases to be contracted-out employment and when an earner's employment in contracted-out employment begins or ends);

(*c*) any regulations made under paragraph 5(1) of Schedule 2 to the Order (which enables regulations to be made to modify Part IV of the Order in its application to a person who is employed at the same time in two or more employments).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 8th May 1978.

(L.S.)

W. Young
Assistant Secretary

EXPLANATORY NOTE

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

These regulations provide that in respect of employees in the Health and Personal Social Services who qualify for benefits under the Health Services (Superannuation) Regulations (Northern Ireland) 1962, the Department instead of the employer shall make or revoke any election with a view to the issue, variation or surrender of a certificate that employment is contracted-out employment under the Social Security Pensions (Northern Ireland) Order 1975.

The regulations provide also that those things relating to the issue, variation or surrender of such a certificate, which apart from these regulations would fall to be done by or to the employer, are to be done by or to the Department.

For certain specified purposes the employments mentioned in these regulations are deemed to be employments under a single employer.