1983 No. 60

SOCIAL SECURITY

The Contracted-out Employment (State Scheme Premiums) Regulations (Northern Ireland) 1983

Made	*23rd March 1983*
Coming into operation . . .	*6th April 1983*

The Department of Health and Social Services, in exercise of the powers conferred on it by paragraph 6(3) and (4) of Schedule 2 to the Social Security Pensions (Northern Ireland) Order 1975(**a**) 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 Contracted-out Employment (State Scheme Premiums) Regulations (Northern Ireland) 1983 and shall come into operation on 6th April 1983.

(2) In these regulations—

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

"the Board" means the Occupational Pensions Board;

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

"premium" means an accrued rights premium, limited revaluation premium or pensioner's rights premium within the meaning of the Order.

Parts of state scheme premiums to be treated as paid in certain cases

2.—(1) In a case where the amount of a premium (including a premium calculated in accordance with Article 46(5)(*a*) or (*b*) of the Order as modified by regulation 8(8)(*b*)(iii) or (iv) of the 1976 regulations) is payable and its amount exceeds $\frac{5X}{4}$, the amount of the excess shall be treated for all purposes as having been paid.

(2) In paragraph (1), X means that amount which would be the amount of the premium under the State Scheme Premiums (Actuarial Tables) Regulations (Northern Ireland) 1978(**c**) if the amendments made to those regulations by the State Scheme Premiums (Actuarial Tables) (Amendment) Regulations (Northern Ireland) 1982(**d**) were disregarded.

(3) Where the premium is an accrued rights premium or a pensioner's rights premium, the amount of the excess referred to in paragraph (1) shall, for the purpose of extinguishing the accrued rights of the earner in question or the rights of the pensioner in question to guaranteed minimum pensions under a scheme, be treated as having been paid on whichever is the later of—

(*a*) the date on which the scheme ceased to be contracted-out; and

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(**a**) S.I. 1975/1503 (N.I. 15); paragraph 6(3) of Schedule 2 was amended, and paragraph 6(4) inserted, by Article 4(11) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))
(**b**) S.R. 1976 No. 101; the relevant amending regulations are S.R. 1978 No. 74 and S.R. 1983 No. 55
(**c**) S.R. 1978 No. 35; amended by S.R. 1982 No. 108
(**d**) S.R. 1982 No. 108

(*b*) any date certified by the Board under regulation 3(4)(*c*) of the 1976 regulations in relation to those rights.

(4) Where a premium has been treated as paid under paragraph (1), the effect of that paragraph shall be disregarded if—

(*a*) the Board subsequently approve arrangements for the preservation or transfer of the earner's accrued rights to or, as the case may be, pensioner's rights to guaranteed minimum pensions; or

(*b*) except in a case to which regulation 8(4) of the 1976 regulations applies, the person who is liable to pay that premium fails to do so within the period prescribed by regulation 5(1), or such longer period as the Department may allow under regulation 5(2), of the 1976 regulations.

(5) In a case in which paragraph (1) has effect—

(*a*) regulation 3(3) of the 1976 regulations shall have effect as if the reference to the amount of a state scheme premium were a reference to the amount of that part of the premium which is not treated as paid under paragraph (1) of this regulation;

(*b*) paragraph (1) of regulation 8 of the 1976 regulations shall have effect as if the reference to treating a premium as paid or paid in part (for the purpose specified in that paragraph) were a reference to treating as paid or paid in part (for that purpose) that part of the premium which is not treated as paid under paragraph (1) of this regulation; and

(*c*) regulations 8(2) to (8) (including the additional words for Articles 45(7) and 46(9) of the Order set out in regulation 8(8)) and 8A(1) to (4) of the 1976 regulations shall have effect as if the word "premium", where the amount of a premium is in question, meant that part of a premium which is not treated as paid under paragraph (1) of this regulation.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 23rd March 1983.

(L.S.) *A. N. Burns*

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The State Scheme Premiums (Actuarial Tables) (Amendment) Regulations (Northern Ireland) 1982 amended the method of calculating the average market level indicator set out in the State Scheme Premiums (Actuarial Tables) Regulations (Northern Ireland) 1978.

These regulations provide that, in a case where a premium is more than a quarter as large again as it would have been but for that amendment, the excess is to be treated as paid. They also provide that the existing provisions of the Contracted-out Employment (Notifications, Premium Payment and Miscellaneous Provisions) Regulations (Northern Ireland) 1976, as amended by the Contracted-out Employment (Miscellaneous Provisions) Regulations (Northern Ireland) 1983, about treating a premium as paid or paid in part are to apply to that part of the premium which is not treated as paid under these regulations.