Rural District Councils—Clerks and Assistant Clerks

REGULATIONS, DATED 22ND JULY, 1952, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION EIGHTEEN OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND), 1934.

1952. No. 126

The Ministry of Health and Local Government for Northern Ireland (in these Regulations referred to as " the Ministry "), in exercise of the powers vested in it by section eighteen of the Local Government Act (Northern Ireland), 1934 and of every other power in that behalf enabling the Ministry, hereby makes the following regulations :—

1.—(1) These Regulations may be cited as the Rural District Councils (Officers Qualifications) Regulations (Northern Ireland), 1952.

(2) The Interpretation Act, 1921 shall apply for the purpose of the Interpretation of these Regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2. In sub-paragraph (ii) of paragraph (*a*) of Regulation 2 of the Unions and Rural District Councils (Officers Qualifications) Regulations (Northern Ireland), 1946 (a), after the words " the Chartered Institute of Secretaries ", there shall be added the words " The Corporation of Certified Secretaries, Limited ".

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-second day of July One thousand nine hundred and fifty-two.

(L.S.) *W. McCaughey*,
Assistant Secretary.

Superannuation

REGULATIONS*, DATED 8TH MAY, 1952, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

1952. No. 70

The Ministry of Health and Local Government for Northern Ireland (hereinafter referred to as " the Ministry ") in exercise of the powers conferred on it by sub-section (5) of Section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950, hereby makes the following Regulations :—

1.—(1) These regulations may be cited as the Local Government Superannuation (Northern Ireland and Great Britain) Regulations

(a) S. R. & O. (N.I.), 1946 No. 54.

* A draft of these Regulations was approved by Resolutions of the Senate and of the House of Commons on the 6th day of May, 1952.

(Northern Ireland), 1952, and shall come into operation on the sixth day of May, 1952.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them —

" the Act of 1937 " means the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937, as the case may be ;

" the Act of 1948 " means the Superannuation (Miscellaneous Provisions) Act, 1948 ;

" the Committee " means the Northern Ireland Local Government Officers' Superannuation Committee ;

" the Northern Ireland regulations " means regulations made by the Ministry under sub-section (1) of Section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950 ;

" contributory employee " in relation to a Northern Ireland employing authority means an employee whether permanent or temporary who has been duly admitted to participate in the benefits of the superannuation scheme administered by the Committee ;

" national service ", in relation to any person, means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, and includes any period immediately following the termination thereof during which the person with the consent of the authority or body by whom he was employed before undertaking such service, continues in similar service ;

" Northern Ireland employing authority " means an employing authority within the meaning of the Northern Ireland regulations ;

" pensionable employee " means a person employed in employment by virtue of which he is or is deemed to be a contributory employee or local Act contributor within the meaning of the Act of 1937, or in employment (not being such employment as aforesaid) by virtue of which he is entitled to participate in any of the benefits of a superannuation fund maintained under a local Act scheme within the meaning of the Act of 1937 ; and

" war service " in relation to Northern Ireland means war service within the meaning of the Local Government Staffs (War Service) Act (Northern Ireland), 1939, or service in any of the naval, military, or air forces of the Crown, or employment for war purposes, within the meaning of the Superannuation Schemes (War Service) Act (Northern Ireland), 1941, and in relation to England and Wales or Scotland means war service within the meaning of the Local Government Staffs (War Service) Act, 1939, but does not include, in the case of a person who before the termination of his war service made a claim under Section 10

of the Act of 1937 or any corresponding provision of a local Act scheme for the return of contributions made by him for superannuation purposes, any part of his war service after the date on which the claim was made.

(3) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2.—(1) Where a person becomes, or has become before the date of the coming into operation of these regulations, a contributory employee of a Northern Ireland employing authority within a period of twelve months after the date on which he ceased to be a pensionable employee, or if he ceased to be a pensionable employee in order to undertake war service or national service, within a period of six months after the termination of that service, then, if the Committee receive out of the superannuation fund to which he was a contributor as a pensionable employee, a transfer value calculated in accordance with a method approved by the Ministry in respect of the service which the person was entitled to reckon for the purposes of the Act of 1937 or a local Act scheme immediately before he ceased to be a pensionable employee, he shall be entitled to reckon that service for the purposes of the Northern Ireland regulations, if it was contributing service or service for the purposes of a local Act scheme, as contributing service, and if it was non-contributing service as non-contributing service, and he shall also be entitled to reckon for the purpose of determining whether any benefit is payable to or in respect of him under the Northern Ireland regulations any service which would have been reckonable for the purpose of determining whether any benefit was payable to or in respect of him under the Act of 1937, or the local Act scheme.

Provided that —

(*a*) this regulation shall not apply in relation to any person unless within three months after entering the employment of the Northern Ireland employing authority, or, if he entered that employment before the date of the coming into operation of these regulations, within six months after that date, he notifies the Committee in writing that he desires these regulations to apply to him, furnishes them with particulars of his previous pensionable employment and war service or national service (if any) and pays to them an amount equal to any sum paid to him by way of a return of contributions (not being contributions made voluntarily for the purpose of securing benefits for his widow, children or other dependants) on or after his ceasing to hold his former employment ;

(*b*) this regulation shall not apply in relation to any person who became a contributory employee of a Northern Ireland employing authority before the date of the coming into operation of these regulations unless he ceased to hold his

former employment not earlier than the fourth day of February, 1948, and he has served as such an employee without a break of more than twelve months at any one time, excluding any period of war service or national service, after ceasing to hold his former employment ;

(*c*) the transfer value payable in respect of a person who ceased to hold his former employment more than twelve months before the date of the coming into operation of these regulations shall be calculated by reference to his age at that date ;

(*d*) the reference in this regulation to a period of twelve months from the date on which a person ceased to be employed shall be construed in relation to a person to whom section 6 of the Act of 1948 has become applicable as a reference to a period of five years from that date or such longer period as the Minister of Housing and Local Government may in any particular case allow;

(*e*) where a person to whom this regulation has become applicable was in his pensionable employment a part-time employee and held no other pensionable employment, the period of his service as such part-time employee shall be treated for the purposes of this regulation as if it had been whole-time service for a proportionately reduced period ;

(*f*) where any service of a person to whom this regulation has become applicable would have been reckonable for the calculation of benefits as non-contributing service under the Act of 1937 at a higher rate than one one-hundred-and-twentieth or one one-hundred-and-sixtieth of his emoluments as the case may be in respect of each completed year or part of a year exceeding six months of that service, then, for the purposes of this regulation, except for the purpose of determining whether any benefit is payable to or in respect of him under the Northern Ireland regulations, that service shall be treated as though it had been contributing service of such proportion of the actual length of that service as is obtained by multiplying the number of years of its actual length by sixty or eighty as the case may be and dividing the product by the denominator of the fraction constituting such higher rate as aforesaid ; and

(*g*) in taking account of any service for the purpose of a local Act scheme regard shall be had to the provisions of paragraph 4 and paragraph 5 of the Local Government Superannuation (Reckoning of Service on Transfer) Regulations, 1939, (**a**) or of the Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations, 1939, (**b**)

(a) S. R. & O. 1939 No. 55.
(b) S. R. & O. 1939 No. 577/S.52.

made under the Act of 1937, as if the person in his employment under the Northern Ireland employing authority had become a pensionable employee.

(2) (*a*) Where any person to whom this regulation has become applicable was in the course of making but had not completed making additional contributory payments under the pension scheme applicable to him as a pensionable employee in respect of any period of non-contributing service as a condition of being entitled to reckon an increased fraction of his average remuneration in respect of any year of that service, then proviso (*f*) to the last preceding paragraph shall not apply to the reckoning of that service unless such person pays to the Northern Ireland employing authority sums equal to the additional payments which he would have been liable to make, at the times at which and in the manner in which those additional payments would have been made to the authority maintaining the fund to which he was a contributor.

(*b*) Where any person to whom this regulation has become applicable was in the course of making but had not completed making additional contributory payments under the pension scheme applicable to him as a pensionable employee as a condition of being entitled to reckon as contributing service any period of non-contributing service, then that service shall reckon as non-contributing service only, unless such person pays to the Northern Ireland employing authority sums equal to the additional payments he would have been liable to make at the times at which and in the manner in which those additional payments would have been made to the authority maintaining the fund to which he was a contributor.

(*c*) Where a person is making payments in accordance with this paragraph, he shall be deemed to be making those payments pursuant to the provisions of the Northern Ireland regulations.

(3) Where by virtue of a scheme modifying the Act of 1937, any period of service is reckoned at a fraction of its actual length for the purpose of calculating a transfer value under this regulation, then only that fraction of that period of service shall be reckoned for the purposes of the Northern Ireland regulations.

3.—(1) Where a person becomes or has become a contributory employee of a Northern Ireland employing authority after having ceased to be subject to the Act of 1937, and these regulations have become applicable in relation to him, then, if the authority or body by whom he was employed, within three months after the date on which they are informed by the Northern Ireland employing authority of his notification that he desires these regulations to apply to him, resolve

that the whole or any part of his non-contributing service (if any) shall be reckonable as contributing service, any period of non-contributing service in respect of which such a resolution has been passed shall, for the purposes of the last preceding regulation, be deemed to be a period of service which that person was entitled to reckon immediately before ceasing to hold his former employment as a period of contributing service for the purposes of the Act of 1937.

(2) Where a person becomes or has become a contributory employee of a Northern Ireland employing authority after having ceased to be subject to the Act of 1937 or a local Act scheme, and these regulations have become applicable in relation to him, then, if the Act of 1937 or any local Act modifying the Act of 1937 or the local Act scheme conferred a discretion on the authority or body by whom he was employed or the authority administering the scheme to which he was subject, as the case may be, in calculating any benefit to which that person might have become entitled on ceasing to be employed, to add a number of years to the number of years which that person had actually served in the aggregate, and if that authority or body, within three months after the date on which they were informed by the Northern Ireland employing authority of his notification that he desires these regulations to apply to him, exercise that discretion in relation to him, notwithstanding that he has not become entitled to that benefit, the number of years so added shall, for the purposes of the last preceding regulation, be deemed to be a period of service which that person was entitled to reckon immediately before ceasing to hold his former employment as a period of contributing service for the purposes of the Act of 1937 or as a period of service for the purposes of the local Act scheme, as the case may be.

(3) The amount of any transfer value payable to the Committee under the last preceding regulation shall be appropriately increased in consequence of the exercise by an authority or body of any power mentioned in paragraph (1) or paragraph (2) of this regulation.

(4) Where any person to whom the last preceding regulation has become applicable had before entering his new employment been engaged in any such war service or national service as is therein referred to, the period of service which he becomes entitled to reckon under the said regulation shall be treated as being increased by the period of such war service or national service to the extent (if any) to which the said period of war service or national service would have been reckonable as pensionable service for the purposes of the pension scheme to which he was subject as a pensionable employee had the person again become a pensionable employee on the termination of such war service or national service.

Provided that this paragraph shall not apply in any case in which a period of national service would have been so reckonable as aforesaid unless the transfer value received by the Committee under the last preceding regulation was calculated so as to include the liability of

which the fund to which he was a contributor was relieved in respect of the said period of national service.

4. Where a person becomes or has become before the date of the coming into operation of these regulations, a pensionable employee within a period of twelve months after ceasing to be a contributory employee of a Northern Ireland employing authority or if he ceased to be such an employee in order to undertake war service or national service within a period of six months after the termination of that service and without having become entitled to any benefit under the Northern Ireland regulations other than a return of contributions, then, if he notifies in writing the authority maintaining the superannuation fund to which he is a contributor within three months after entering their employment or, if he entered their employment before the date of the coming into operation of these regulations, within six months after that date, that he desires these regulations to apply to him, there shall be payable to the superannuation fund to which he is a contributor out of the fund maintained by the Committee a transfer value calculated in accordance with a method approved by the Ministry less an amount equal to any sum which the Committee may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value :

Provided that —

(*a*) this regulation shall not apply in relation to any person unless within three months after entering his new employment, or, if he entered that employment before the date of the coming into operation of these regulations, within six months after that date, he furnishes the authority maintaining the fund to which he is a contributor with particulars of his previous pensionable employment and war service or national service (if any) and pays to them an amount equal to any sum paid to him by way of a return of contributions on or after his ceasing to hold his former employment ; and

(*b*) this regulation shall not apply in relation to any person who became a pensionable employee before the date of the coming into operation of these regulations unless he ceased to hold his former employment not earlier than the fourth day of February, 1948, and he has been such pensionable employee without a break of more than twelve months at any one time, excluding any period of war service or national service, after ceasing to hold his former employment.

5. Notwithstanding anything in the Northern Ireland regulations, no payment shall be made thereunder by way of a return of contributions to any person in relation to whom the last preceding regulation has become applicable.

6. The provisions of the Northern Ireland regulations which relate to the return of contributions in certain cases shall have effect in relation to a contributory employee of a Northern Ireland employing

authority who has been a pensionable employee as if references therein to contributions which may be returned thereunder on such contributory employee ceasing to be employed or dying included references to contributions and additional contributions (not being contributions made voluntarily for the purpose of securing benefits for his widow, children or other dependants) to which he was entitled on ceasing to be a pensionable employee in so far as any such contributions have not been returned to and retained by him, and are attributable to service which might have been reckoned under the Northern Ireland regulations for the purposes of superannuation allowance in respect of the employment which he has ceased to hold or in which he has died as the case may be :

Provided that if the superannuation scheme associated with his former employment made provision for the calculation of interest on contributions returned thereunder in a different manner from that provided by the Northern Ireland regulations, interest on the contributions to which the person was so entitled as aforesaid shall, on their becoming returnable under the Northern Ireland regulations as modified by this regulation be calculated in the manner provided by the said superannuation scheme, up to the date on which he became a contributory employee of a Northern Ireland employing authority, or, if he received a return of those contributions before that date, up to the date of such return.

7. Where any person to whom regulation 2 of these regulations has become applicable was in his employment as a pensionable employee an insured person within the meaning of the National Insurance Act, 1946, then —

(*a*) if he had been excepted from the operation of any provision (hereinafter called " the modification provision ") of the superannuation scheme to which he was subject as a pensionable employee modifying the benefits provided by that scheme in relation to any such insured person as aforesaid the provisions of regulation 29 of the Northern Ireland regulations shall not apply to him ;

(*b*) if he had not been so excepted —

(i) the provisions of the said regulation shall apply to him as if any service which he becomes entitled to reckon under regulation 2 of these regulations, being service of which account would have been taken under the modification provision for the purpose of reducing any benefit to which the person might have become entitled under the said superannuation scheme had he continued to be subject thereto, were contributing service for the purposes of the Northern Ireland regulations rendered on or after the fifth day of July, 1948 ; and

(ii) if the modification provision modified any benefit to which he might have become entitled under the said

superannuation scheme by reference to a Table and to his age at a given date, the said regulation shall have effect as if any provision therein modifying superannuation benefits by reference to a Table and the age of a person at a given date applied in his case, except that the reference to his age at that date shall be construed as reference to his age at the date which was relevant for the purposes of the modification provision.

8. These regulations shall not apply in relation to a person entering or leaving employment as a pensionable employee, if the Ministry at any time so directs on being satisfied that the pension scheme associated with the employment of such pensionable employee does not confer rights in respect of previous pensionable service of a person entering that employment after having ceased to be subject to the Northern Ireland regulations which are substantially similar to those conferred by these regulations in respect of previous pensionable service of a person leaving employment as a pensionable employee and becoming subject to the Northern Ireland regulations.

Provided that the Ministry may at any time withdraw any such direction as aforesaid which it may have given on being satisfied that the need for the direction no longer exists.

9. The provisions of the Northern Ireland regulations which relate to the determination of questions arising under those regulations shall apply in relation to a person who becomes a contributory employee of a Northern Ireland employing authority in circumstances in which these regulations apply.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this eighth day of May, 1952, in the presence of

(L.S.) *L. G. P. Freer,*
Secretary.

REGULATIONS,* DATED 3rd July, 1952, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SECTION 2 AND SECTION 7 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

1952. No. 113

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by sub-section (1) of Section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950, and, with the approval of the Ministry of Finance for Northern

* A draft of these Regulations was approved by Resolutions of the Senate and of the House of Commons on the 1st day of July, 1952.