Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 24th day of April, nineteen hundred and fifty-nine.

(L.S.) *W. A. V. Sanderson,*
Assistant Secretary.

SCHEDULE

FOURTH SCHEDULE

Brucellosis Certificate

(1) Samples shall be taken by a Veterinary Officer of the Ministry.

(2) Samples shall be taken from the blood serum, milk whey and vaginal mucus of every cow and mated heifer in the herd, and from the semen of every bull in the herd.

(3) Samples shall be examined by the Veterinary Research Division of the Ministry of Agriculture at Stormont, Belfast.

(4) A Brucellosis Certificate in respect of the herd shall be issued by the Ministry where the Veterinary Research Division is satisfied that the herd can be declared free from Brucellosis.

EXPLANATORY NOTE

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

These amending Regulations make it compulsory for producers of Grade A (T.T.) milk to hold a certificate, issued by the Ministry, declaring their herd free from Brucellosis, except when all milk produced by them for sale is to be pasteurised.

1959. No. 69 [C]

LOCAL GOVERNMENT SUPERANNUATION

REGULATIONS*, DATED THE 28TH DAY OF APRIL, 1959, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SUB-SECTION (4) OF SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

The Ministry of Health and Local Government in exercise of the powers conferred on it by sub-section (4) of section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

(a) 1950. c. 10.

*A draft of these regulations was approved by resolutions of the Senate and of the House of Commons on the 28th day of April, 1959.

1. These regulations may be cited as the Local Government Superannuation (Northern Ireland and Great Britain) (Amendment) Regulations (Northern Ireland), 1959, and shall be deemed to have come into operation on the 1st day of January, 1959.

2.—(1) These regulations and the Local Government Superannuation (Northern Ireland and Great Britain) Regulations (Northern Ireland), 1952(**a**), shall be construed as one, and may be cited together as the Local Government Superannuation (Northern Ireland and Great Britain) Regulations (Northern Ireland), 1952 and 1959.

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

"the principal regulations" means the Local Government Superannuation (Northern Ireland and Great Britain) Regulations (Northern Ireland), 1952, and

"regulation" means regulation contained in the principal regulations.

(3) References in these regulations and in the principal regulations to the provisions of any enactment, rules or regulations shall be construed, unless the context otherwise requires, as references to those provisions as amended, applied or re-enacted by any subsequent enactment, rules or regulations.

(4) References in the principal regulations to benefits under the Act of 1937 shall, in relation to a pensionable employee, include a reference to benefits under the Local Government Superannuation Act, 1953(**b**), a local Act or a scheme made in relation to a local Act.

3. In regulation 1, in paragraph (2) thereof there shall be inserted the following definitions:—

" "the Act of 1953" means the Local Government Superannuation Act, 1953;

"added years" means—

(*a*) in relation to a contributory employee of a Northern Ireland employing authority, any additional years of service reckonable by him under regulation 26 of the Northern Ireland regulations and includes any additional years of service which, having been granted under any similar provision contained in any other enactment or scheme, have subsequently become reckonable in his employment under the Northern Ireland employing authority;

(*b*) in relation to a pensionable employee, any additional years of service of the nature of additional years of service referred to in paragraph (*a*) of this definition which have been granted in, or have otherwise become reckonable in, his employment as a pensionable employee;

"the benefits regulations" in relation to England and Wales means the Local Government Superannuation (Benefits) Regulations, 1954(**c**), and in relation to Scotland the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954(**d**);

"local Act" and "local Act scheme" have the meanings assigned to them in the Act of 1937;

(**a**) S.R. & O. (N.I.) 1952, No. 70.
(**b**) 1 & 2 Eliz. 2, c. 25.
(**c**) S.I. 1954, No. 1048.
(**d**) S.I. 1954, No. 1059.

"voluntary contributions" means—

(*a*) in relation to a person who has become a pensionable employee after leaving employment in which he was a contributory employee of a Northern Ireland employing authority, payments (other than completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) of either of the following categories:—

(i) additional contributory payments made in accordance with the provisions of the second schedule to the Northern Ireland regulations;

(ii) any payments made in respect of added years;

(*b*) in relation to a person who has become a contributory employee of a Northern Ireland employing authority after leaving employment as a pensionable employee, payments made voluntarily by him for the purpose of securing benefits for his widow, children or other dependants and payments (other than completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) of any of the following categories:—

(i) additional contributory payments of the kind referred to in sub-sections (3) and (4) of section 2 of the Act of 1953;

(ii) any similar payments made under a local Act scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme or, where the local Act scheme provides for the reckoning of non-contributing service, as contributing service for the purposes of the scheme;

(iii) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating a benefit under a local Act scheme;

(iv) any payments made in respect of added years;".

4. In regulation 2—

(*a*) in paragraph (1) thereof—

(i) in proviso (*a*) for the words "his previous pensionable employment and war service or national service (if any)" there shall be substituted the words "any national service in which he has been engaged since he left his former employment"; for the words "(not being contributions made voluntarily for the purpose of securing benefits for his widow, children or other dependants)" there shall be substituted the words "other than voluntary contributions" and after the words "on or after his ceasing to hold his former employment" there shall be inserted the words "together with an amount equal to any income tax which was deducted from his contributions in respect of such return";

(ii) in proviso (*d*) after the words "the Minister of Housing and Local Government" there shall be inserted the words "or the Secretary of State for Scotland, as the case may be,"; and

(iii) proviso (*g*) shall be deleted;

(*b*) for paragraph (2) there shall be substituted the following paragraphs:—

"(2) (*a*) The provisions of this paragraph shall apply where any person to whom paragraph (1) has become applicable was, at the time when he ceased to be a pensionable employee, in the course of making payments (otherwise than in respect of added years) by way of—

(i) instalments in discharge of a fixed sum; or

(ii) contributions of a fraction or percentage of emoluments additional to the percentage payable in respect of current service,

as a condition of being entitled to reckon the service in relation to which those payments were being made as a period of contributing service for the purpose of the Act of 1937, or as a period of service or a period of contribution for the purposes of a local Act scheme, or as a condition of increasing the length at which the said service would be reckonable for the purpose of calculating a benefit under the Act of 1937 or a local Act scheme.

(*b*) If a person to whom sub-paragraph (*a*) applies, when giving notice to the Committee in accordance with proviso (*a*) to paragraph (1), elects to make payments in pursuance of this paragraph and pays forthwith to the Committee an amount equal to any sum paid to him by way of return of any such payments as are referred to in sub-paragraph (*a*) on or after ceasing to be a pensionable employee together with an amount equal to any income tax which was deducted from the payments in respect of such return then—

(i) in a case to which sub-paragraph (*a*)(i) applies the amount which, if paid as a single payment, would discharge the outstanding liability; or

(ii) in a case to which sub-paragraph (*a*)(ii) applies the capital value of the outstanding liabilities,

shall be deemed to be a sum payable under the second schedule to the Northern Ireland regulations and he shall be liable to make payment in accordance with the provisions of that schedule and shall be entitled to reckon the period of employment in respect of which the payments were being made as a period of contributing service in the manner in which it would have been reckonable under these regulations if the payments had been completed before he ceased to be a pensionable employee.

(3) (*a*) The provisions of this paragraph shall apply where any person to whom paragraph (1) has become applicable was at the time when he ceased to be a pensionable employee in the course of making payments in respect of added years.

(*b*) If a person to whom sub-paragraph (*a*) applies, when giving notice to the Committee in accordance with proviso (*a*) to paragraph (1), elects to make payments in pursuance of this paragraph and pays forthwith to the Committee an amount equal to any sum paid to him by way of return of any such payments as are referred to in sub-paragraph (*a*) on or after ceasing to be a pensionable employee together with an amount equal to any income tax which was deducted from the payments in respect of such return then he shall be liable to make the outstanding payments to the Committee in respect of the said added years in the manner in which they would have been payable if he had remained in his employment as a

pensionable employee and shall enjoy rights and be subject to liabilities as if those years were added years in respect of which payments are being made in his new employment under regulation 26 of the Northern Ireland regulations:

Provided that—

(i) the said added years shall not be reckonable for the purposes of the Northern Ireland regulations if the person ceased to be a pensionable employee in such circumstances that in consequence of a resolution of the authority by whose consent the added years first became reckonable he ceased to be entitled to reckon the added years; and

(ii) no account shall be taken of added years for the purpose of determining whether the person has served for the minimum period prescribed by the Northern Ireland regulations as necessary for any benefit to be paid to or in respect of him.";

(*c*) for paragraph (3) there shall be substituted the following paragraph:—

"(4) Where any period of service is reckoned at a fraction of its actual length for the purpose of calculating the transfer value received under this regulation, then account shall be taken of that period of service—

(*a*) at its actual length only for the purpose of determining whether the person has served for the minimum period prescribed by the Northern Ireland regulations as necessary for any benefit to be paid to or in respect of him; and

(*b*) at the aforesaid fraction of its actual length for the purpose of calculating the amount of any benefit payable to or in respect of him under the Northern Ireland regulations.";

(*d*) there shall be added the following additional paragraph:—

"(5) Where, in the case of a person to whom this regulation has become applicable, part of the person's service, not being part to which any of the preceding paragraphs relate, was reckonable at the time of his ceasing to be a pensionable employee for the purpose of determining whether he was eligible to receive a benefit but not for calculating the amount thereof, account shall be taken of that part for the purpose of determining whether he has served for the minimum period prescribed by the Northern Ireland regulations as necessary for any benefit to be paid to or in respect of him and for no other purpose.".

5. In regulation 3, paragraphs (1), (2) and (3) thereof shall be deleted.

6. For regulation 4 there shall be substituted the following regulation:—

"**4.**—(1) Where a person becomes 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, there shall be payable to the authority or body maintaining the superannuation fund to which he is a

contributor 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, and a statement containing the following particulars relating to the person shall be furnished by the Committee to the person and to the authority or body maintaining the superannuation fund to which he is a contributor:—

(*a*) date of person's birth;

(*b*) his class or description;

(*c*) whether his employment was whole-time or part-time, and, if the latter, what proportion of whole-time employment this represented;

(*d*) the rate of his contribution and, if that rate was reduced by virtue of regulation 29 of the Northern Ireland regulations, the amount of the reduction and the date from which the reduction had effect;

(*e*) details of his previous service, including any added years and any service which was reckonable solely for the purpose of determining whether any benefit was payable under the Northern Ireland regulations, showing—

(i) each local authority or other body or person by whom he had been employed;

(ii) dates of commencement and termination of each employment;

(iii) whether the employment was whole-time or part-time, and, if the latter, what proportion of whole-time employment this represented;

(iv) dates of commencement and termination of war service and national service, if any; and

(v) in what manner the service was reckonable under the Northern Ireland regulations at the date of transfer;

(*f*) the remuneration or emoluments of which account has been taken in calculating the transfer value;

(*g*) details of the amount which would have been returnable to him in respect of contributions or additional contributory payments on his ceasing to be a contributory employee of a Northern Ireland employing authority;

(*h*) details of the sum, if any, showing interest separately, which was paid to him by way of a return of such contributions or payments as aforesaid on his ceasing to be a contributory employee of a Northern Ireland employing authority; and

(*i*) details of any contributions payable by the employee on account of added years:

Provided that this regulation shall not apply in relation to any person unless, within three months after entering his new employment, he notifies, in writing, the authority or body maintaining the superannuation fund to which he is a contributor that he desires these regulations to apply to him, furnishes them with particulars of any national service in which he has been engaged since he left his former employment and pays to them an amount equal to any sum paid to him by way of a return of contributions, other than voluntary contributions, on or after ceasing to hold his former employment.

(2) Where, in the case of a person to whom paragraph (1) applies, the Northern Ireland employing authority by whom the person was previously employed exercises a discretion under regulation 24(3)(*a*) of the Northern Ireland regulations to add a number of years to his service then the service reckonable immediately before he left his previous employment shall be deemed, for the purposes of these regulations, to have been correspondingly increased.".

7. In regulation 5, after the words "by way of a return of contributions" there shall be inserted the words "other than voluntary contributions".

8. For regulation 6 there shall be substituted the following regulation:—

"**6.** Where a person to whom regulation 2 applies leaves employment in which he is a contributory employee of a Northern Ireland employing authority or dies in circumstances in which, under the Northern Ireland regulations, there is payable to or in respect of him an amount by way of return of contributions or a benefit which falls to be calculated by reference to any such amount then, for the purpose of the Northern Ireland regulations, the amount of his contributions shall be taken to include in respect of service which, by virtue of these regulations, has become reckonable as service for the purposes of the Northern Ireland regulations an amount equal to the amount which would have been payable by way of return of contributions under the superannuation scheme applicable to him in his employment as a pensionable employee, if, on his ceasing to hold that employment, he had been entitled to receive an amount by way of return of contributions without interest:

Provided that the sum by which a return of contributions or a benefit which falls to be calculated by reference thereto is increased by virtue of this regulation shall not include—

(*a*) any amount in respect of payments made voluntarily for the purpose of securing benefits for a widow, children or other dependants; or

(*b*) any amount in respect of contributions which, on or after the person's ceasing to be employed as a pensionable employee, were returned to and retained by him; or

(*c*) any amount in respect of voluntary contributions which, being payments to which paragraph (2) or paragraph (3) of regulation 2 applied, have not been continued in pursuance of that regulation.".

9. Nothing in these regulations or the principal regulations shall be construed as applying the principal regulations as amended by these regulations—

(*a*) to a person who before the date of the coming into operation of these regulations became a contributory employee of a Northern Ireland employing authority in circumstances in which regulation 2 of the principal regulations became applicable to him; or

(*b*) to a person who before the date of the coming into operation of these regulations entered employment by virtue of which he became a pensionable employee in circumstances in which regulation 4 of the principal regulations became applicable to him,

and in relation to any such person the principal regulations as originally made shall continue to apply as if these regulations had not been made.