EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which comes into operation on 25th March, 1960, amends the Hat, Cap and Millinery Wages Council (Northern Ireland) Wages Regulation (No. 2) Order, 1956 (Order N.I.H.M. (24)), as amended by the Hat, Cap and Millinery Wages Council (Northern Ireland) Wages Regulation (Amendment) (No. 2) Order, 1958 (Order N.I.H.M. (32)), by increasing the statutory minimum remuneration fixed by those Orders. Order N.I.H.M. (32) is revoked.

New provisions in the Schedule are printed in italics.

1960. No. 40

As this Order has been classified as local it is not printed at length in this volume. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.

1960. No. 41 **[C]**

LOCAL GOVERNMENT SUPERANNUATION

REGULATIONS*, DATED THE 16TH DAY OF MARCH, 1960, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT, UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

The Ministry of Health and Local Government (hereinafter referred to as "the Ministry"), in exercise of the powers conferred on it by sub-section (1) 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:—

1. These regulations may be cited as the Local Government Superannuation (Interchange with the Civil Service of the United Kingdom) Regulations (Northern Ireland), 1960, and shall come into operation on the first day of April, 1960.

2. In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Act" means the Local Government (Superannuation) Act (Northern Ireland), 1950;

"added years" means in relation to a contributory employee any additional years of service reckonable by him under regulation 26 of the Local Government Superannuation Regulations and includes any additional

(a) 1950. c. 10.

*A draft of these Regulations was approved by resolutions of the Senate and of the House of Commons on the 15th day of March, 1960.

years of service which, having been granted under any similar provision contained in any other enactment or scheme, have subsequently become reckonable under the Local Government Superannuation Regulations;

"civil servant" has the meaning assigned to that expression by sub-section (1) of section 17 of the Superannuation (Miscellaneous Provisions) Act, 1948(a);

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

"contributing service" and "non-contributing service" mean service which is reckonable as contributing service or non-contributing service for the purposes of superannuation benefits provided under the Local Government Superannuation Regulations;

"contributory employee" means a person who has been duly admitted to participate in the benefits of the superannuation scheme administered by the Committee;

"Local Government Superannuation Regulations" means the Local Government (Superannuation) Regulations (Northern Ireland), 1950(b);

"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(c), 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;

"transfer value" has the same meaning as "accrued superannuation value" as that expression is defined in the Act;

"pension" has the meaning assigned to that expression by sub-section (1) of section 17 of the Superannuation (Miscellaneous Provisions) Act, 1948;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1950, and any Act amending those Acts;

"the Treasury" means the Lords Commissioners of Her Majesty's Treasury; and

"voluntary contributions" means—

(*a*) in relation to a person who has become employed as a civil servant after leaving employment in which he was a contributory employee, 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 made in accordance with the provisions of the second schedule to the Local Government Superannuation Regulations;

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

(iii) any payments of a similar nature which, having been commenced in a previous employment, were continued in his employment as a contributory employee;

(*b*) in relation to a person who has become employed as a contributory employee, after ceasing to be employed as a civil servant, any payments similar in character to any such payments as aforesaid, for the continuation of which during the period of his employment as a civil servant, provision was made by or under any enactment.

(a) 11 & 12 Geo. 6. c. 33.
(b) S.R. & O. (N.I.) 1950, No. 103.
(c) 14 & 15 Geo. 6. c. 65.

3. Where, within the prescribed period (as defined in regulation 4), a person after ceasing to be a civil servant and without having become eligible for a pension under the Superannuation Acts has become employed as a contributory employee, then, subject to the provisions of these regulations, he shall be entitled to reckon as contributing service for the purposes of the Local Government Superannuation Regulations any period which was reckonable as service in the capacity of a civil servant for the purposes of the Superannuation Acts and any period of national service after the person's ceasing to be employed as a civil servant which would have been so reckonable had he again become employed as a civil servant on the termination of his national service, and any period of service of which account would have been taken for the purpose of determining whether he has served for the minimum period prescribed by the Superannuation Acts as necessary for any pension to be paid to or in respect of him shall, to the same extent, be reckonable for the purpose of determining whether any benefit is payable to or in respect of him under the Local Government Superannuation Regulations:

Provided that—

(*a*) this regulation shall not apply in relation to any person unless the Committee receives from the Treasury a transfer value calculated in accordance with a method approved by the Ministry in respect of the period which was reckonable as service in the capacity of a civil servant and in respect also of any period of national service which would have been so reckonable had he again become employed as a civil servant;

(*b*) this regulation shall not apply in relation to any person unless within three months after the date on which he has become employed as a contributory employee or within six months after the date of coming into operation of these regulations, whichever period last expires, he notifies the Committee, in writing, that he desires these regulations to apply to him and furnishes them with particulars of any national service on which he has been engaged since he ceased to be a civil servant;

(*c*) this regulation shall not apply to a person who ceased to be a civil servant before the first day of April, 1949;

(*d*) any part of the person's service which for the purposes of the Superannuation Acts was reckonable as service in the capacity of a civil servant and was attributable to service which previously to his becoming a civil servant had been non-contributing service for the purposes of the Local Government Superannuation Regulations or had been reckonable in the same or substantially the same manner as such non-contributing service by virtue of the provisions of any enactment or scheme (not being service which had become reckonable at its actual length for the purpose of calculating benefits under the Superannuation Acts) shall be reckonable as non-contributing service for the purposes of the Local Government Superannuation Regulations at double the length at which it was reckonable for the purposes of the Superannuation Acts.

4. For the purposes of these regulations the expression "prescribed period" shall mean—

(*a*) in the case of a person who immediately after leaving his previous superannuable employment became engaged in national service, six months after the termination of his national service; and

(*b*) in the case of any other person, twelve months after leaving his previous superannuable employment.

5.—(1) The provisions of this regulation shall apply where any person to whom regulation 3 has become applicable was, at the time when he ceased to be a civil servant, in the course of making voluntary contributions.

(2) If a person when giving notice to the Committee in accordance with proviso (*b*) to regulation 3 elects to make payments in pursuance of this regulation he shall be liable to pay the outstanding voluntary contributions to the Committee in the manner in which they would have been payable if he had not ceased to be a civil servant.

(3) Where a person has elected to make payments in pursuance of this regulation the period in respect of which such payments are made shall be reckonable as a period of contributing service.

6. Where a person to whom regulation 3 has become applicable, before he ceased to be employed as a civil servant, was an insured person within the meaning of the National Insurance Act, 1946(**a**), or the National Insurance Act (Northern Ireland), 1946(**b**), then—

(*a*) if he had been excepted from the operation of any provision (hereinafter in this regulation referred to as "the modification provision") modifying the person's benefits under the Superannuation Acts in relation to such an insured person as aforesaid, the modifications for which regulation 29 of the Local Government Superannuation Regulations provide shall not apply to him unless he has given notice under paragraph (7) of the aforesaid regulation that he wishes paragraph (1) of that regulation to apply in his case; and

(*b*) if he had not been so excepted, regulation 29 of the Local Government Superannuation Regulations shall apply to him as if any service which he has become entitled to reckon by virtue 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 he might have become entitled under the Superannuation Acts had he continued to be subject thereto, were contributing service rendered on or after the fifth day of July, 1948.

7.—(1) Where a person to whom regulation 3 has become applicable leaves employment in which he is a contributory employee or dies in circumstances in which, under the Local Government Superannuation Regulations, there is payable to or in respect of him an amount by way of a return of contributions or a benefit which falls to be calculated by reference to any such amount, then for the purposes of the said regulations, the amount of his contributions shall be deemed to include in respect of the period of his employment as a civil servant an aggregate amount equal to three-eightieths of the annual salary and emoluments of his office multiplied by the number of completed years of his service as a civil servant.

(2) In this regulation "the annual salary and emoluments of his office" means the average annual amount of the pensionable salary and emoluments of his office during the three years ending with the last day of his service as a civil servant, or, where his service during that period was less than three years, the average annual amount of his pensionable salary and emoluments during the actual period of his said service.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 1946. c. 23.

8.—(1) Where within the prescribed period (as defined in regulation 4) a person after ceasing to be a contributory employee and without having become entitled to any superannuation benefit under the Local Government Superannuation Regulations other than a return of contributions, has become a civil servant, then there shall be payable to the Treasury 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—

(i) within three months after the date on which he has become employed as a civil servant or within six months after the date of coming into operation of these regulations, whichever period last expires, he notifies the Department in which he is then employed, in writing, that he desires these regulations to apply to him and furnishes such Department with particulars of any national service in which he has been engaged since he ceased to be a contributory employee; and

(ii) if on or after ceasing to be a contributory employee he has received any payment by way of a return of contributions, unless within three months after the date on which he becomes employed as a civil servant or within six months after the date of coming into operation of these regulations, whichever period last expires, or within such longer period as the Treasury may allow in any particular case, he pays to the Treasury an amount equal to such payment;

(*b*) this regulation shall not apply in relation to any person who ceased to be a contributory employee before the date of coming into operation of these regulations unless the Committee agree to the payment of a transfer value.

(2) Where, in the case of a person to whom paragraph (1) applies, the employing authority by whom he was previously employed exercises a discretion under regulation 24(3)(*a*) of the Local Government Superannuation 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.

9. Notwithstanding anything in the Local Government Superannuation Regulations no payment shall be made thereunder by way of a return of contributions, other than voluntary contributions, to any person in relation to whom regulation 8 has become applicable.

10. The provisions of the Local Government Superannuation Regulations which relate to the determination of questions arising under those regulations shall apply in relation to a person who becomes a contributory employee in circumstances in which these regulations apply.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 16th day of March, nineteen hundred and sixty, in the presence of

(L.S.) *Ronald Green,*
Secretary.