read as one and may be cited together as the National Insurance (Non-participation—Local Government Staffs) Regulations (Northern Ireland), 1960 and 1961.

2. Employments in which a person's service qualifies him for retirement benefit by way of pension under the Local Government (Superannuation) Acts (Northern Ireland), 1950 and 1951(**a**), and which are, for the time being, non-participating employments within the meaning of sub-section (2) of section 6 of the National Insurance Act (Northern Ireland), 1959, shall be treated for the purposes of Part II of that Act and of any regulations made thereunder as employments under a single employer different from the employer in any other employment.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 28th day of February, nineteen hundred and sixty-one, in the presence of

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

EXPLANATORY NOTE

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

These regulations provide that for the purposes of the National Insurance Act (Northern Ireland), 1959, employments in the local government service which are subject to the Local Government (Superannuation) Regulations (Northern Ireland), 1950, or the Belfast Corporation Superannuation Scheme, 1951, shall be treated as a single employment. This will eliminate the need for many payments in lieu of contributions to the National Insurance Fund which would otherwise be necessary in respect of changes of employment within the local government field.

1961. No. 42 **[NC]**

LOCAL GOVERNMENT—PENSION

Allocation of Pension

RULES, DATED THE 1ST MARCH, 1961, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 5 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

The Ministry of Health and Local Government in pursuance of the powers conferred on it by section 5 of the Local Government (Superannuation) Act (Northern Ireland), 1950(**b**), and of all other powers enabling it in that behalf, hereby makes the following rules:—

(a) 1950. c. 10 and 1951. c. 9. (b) 1950. c. 10.

1.—(1) These rules may be cited as the Local Government Superannuation (Allocation of Pension) Rules (Northern Ireland), 1961, and shall come into operation on the 3rd day of April, 1961.

(2) In these rules the following expressions have the meanings hereby assigned to them:—

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

"the Act of 1959" means the National Insurance Act (Northern Ireland), 1959(**a**);

"the principal rules" means the Local Government Superannuation (Allocation of Pension) Rules (Northern Ireland), 1950(**b**), and the Local Government Superannuation (Allocation of Pension) Rules (Northern Ireland), 1951(**c**);

"non-participating employment" has the meaning assigned to it by subsection (2) of section 6 of the Act of 1959;

and other words and expressions have the same meanings as in the principal rules.

2.—(1) No provision in the principal rules for the allocation of a pension so far as it affects any person who is, or was immediately before he ceased to be employed, in non-participating employment, shall operate so as to reduce his pension below such amount as would be equal when expressed as a weekly rate to the graduated retirement pension which would be payable to him under the Act of 1959 in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of his service in respect of a weekly payment of remuneration of £15.

(2) For the purposes of the last foregoing paragraph "service" means non-participating employment which is reckonable for the purpose of determining whether a person is eligible to receive a superannuation allowance under—

(*a*) any of the enactments set out in the first column of the Second Schedule to the Act, or any such enactment as extended or applied by any of the enactments set out in the second column of that Schedule; or

(*b*) any local Act which makes provision for the superannuation of any officers of a local authority otherwise than by means of a scheme involving the payment of contributions by those officers.

3.—(1) There shall be substituted for paragraph (1) of rule 19 of the principal rules the following paragraph:—

"(1) An officer may cancel or amend his allocation declaration by notice in writing lodged with the local authority in the form A.P.3 set out in Schedule I to these rules at any time before he has been informed by the local authority that such declaration is valid but, save as provided in rule 20 and rule 24, no cancellation or amendment of an allocation declaration shall be permitted after an officer has been informed by the local authority that such declaration is valid".

(2) Notwithstanding anything contained in the foregoing paragraph of this rule a person who has been informed by a local authority prior to the date of coming into operation of these rules that an allocation declaration made

(**a**) 1959. c. 21.
(**b**) S.R. & O. (N.I.) 1950, No. 76.
(**c**) S.R. & O. (N.I.) 1951, No. 66.

by him under the principal rules is valid may, if he has not ceased to be employed by the local authority, cancel or amend that declaration by notice in writing lodged with the local authority in the form A.P.3 set out in Schedule I to the principal rules not later than one month after the said date.

4. There shall be substituted for the proviso to rule 20 of the principal rules the following provisos:—

"Provided that—

(*a*) in the case of an officer who has made an allocation declaration by virtue of being such an officer as is mentioned in paragraph (*a*) of rule 4, no notice of an amendment of an allocation declaration may be lodged with the local authority after the closing date except for the purpose of increasing the amount of the pension to be surrendered by an amount not exceeding the increase (to the nearest pound), or, as the case may be, decreasing the amount of the pension to be surrendered by an amount not exceeding the decrease (to the nearest pound), of the amount, or the estimated amount, of pension previously notified to such officer in accordance with rule 10; and

(*b*) in the case of any other officer, no notice of an amendment of an allocation declaration providing for the substitution of Option A for Option B or, as the case may be, Option B for Option A, may be lodged with the local authority after the closing date and no notice of an amendment of an allocation declaration providing for a variation in the amount of the pension to be surrendered may be lodged with the local authority after the date on which the officer has been informed by the local authority that such allocation declaration is valid except for the purpose of increasing the amount of the pension to be surrendered by an amount not exceeding the increase (to the nearest pound), or, as the case may be, decreasing the amount of the pension to be surrendered by an amount not exceeding the decrease (to the nearest pound), of the amount, or the estimated amount, of pension previously notified to such officer in accordance with rule 10."

5. For rule 22 of the principal rules there shall be substituted the following rule:—

"**22.** A notice in writing sent by an officer to the local authority under rule 11 or rule 19 of these rules and information given by the local authority to an officer under rule 24 of these rules shall, if posted in a properly addressed prepaid envelope, be deemed to have been received by the person to whom it was addressed at the time at which a letter would have been delivered in the ordinary course of post".

6. In rule 24 of the principal rules there shall be substituted for paragraph (1A) the following paragraph—

"(1A) An allocation declaration shall become null and void if

(*a*) the beneficiary dies before the officer has been informed by the local authority that his allocation declaration is valid; or

(*b*) the officer dies at any time before midnight on the day on which the local authority decides that his allocation declaration is valid."