1961. No. 65 **[C]**

TRAINING SCHOOLS

Contributions by Local Authorities

REGULATIONS, DATED 21ST MARCH, 1961, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SUB-SECTION (1) OF SECTION 126 AND SUB-SECTION (2) OF SECTION 134 OF THE CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND), 1950.

The Ministry of Home Affairs for Northern Ireland in pursuance of the powers conferred upon it by sub-section (1) of Section 126 and sub-section (2) of Section 134 of the Children and Young Persons Act (Northern Ireland), 1950(a), hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Training Schools (Contributions by Local Authorities) Regulations (Northern Ireland), 1961, and shall come into operation on the 1st day of April, 1961.

Contributions

2. The contributions to be made under sub-section (1) of Section 126 of the Children and Young Persons Act (Northern Ireland), 1950, by the local authority named in a training school order to the expenses of the managers of a training school throughout any time in the financial year 1961-62 during which the person to whom the order relates is under the care of the said managers and not out on licence or under supervision shall be at the rate of thirty-three shillings a week for Shamrock Lodge Training School and at the rate of eighty-six shillings and fourpence a week for all other training schools.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 21st day of March, nineteen hundred and sixty-one, in the presence of

(L.S.) *William Duff,*
Assistant Secretary.

1961. No. 66 **[C]**

NATIONAL INSURANCE

REGULATIONS, DATED THE 20TH MARCH, 1961, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 14 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1959.

Whereas the Ministry of Finance has determined under sub-section (4) of section 66 of the National Insurance Act (Northern Ireland), 1946(b), that the Ministry of Health and Local Government is the appropriate department of the Government of Northern Ireland to make regulations under that sub-section

(a) 1950. c. 5. (b) 1946. c. 23.

modifying the scheme for the provision of pensions and other benefits established by regulations made under section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950(a);

Now, therefore, the Ministry of Health and Local Government (hereinafter referred to as "the Ministry"), in exercise of the powers conferred on it by the said sub-section (4) as extended by section 14 of the National Insurance Act (Northern Ireland), 1959(b), 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 National Insurance (Modification of Local Government Superannuation Scheme) No. 2 Regulations (Northern Ireland), 1961, and shall come into operation on the 3rd day of April, 1961.

(2) In these regulations, unless the context otherwise requires:—

"the Act of 1946" means the National Insurance Act (Northern Ireland), 1946;

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

"the Great Britain Act" means the National Insurance Act, 1959(c);

"the principal regulations" means the Local Government (Superannuation) Regulations (Northern Ireland), 1950(d);

"the appointed day" means the 3rd day of April, 1961;

"average remuneration" has the meaning assigned to it by regulation 18 of the principal regulations;

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

"modification provision" means, in relation to any pension scheme, any provision the effect of which is that pensions under that scheme are to be reduced in connection with the operation of the provisions of the Act of 1959 or the Great Britain Act, relating to the payment of graduated retirement benefit;

"non-participating employment" has the meaning assigned to it by sub-section (2) of section 6 of the Act of 1959 or the corresponding provision of the Great Britain Act, as the case may be;

"officer" has the meaning assigned to it in the principal regulations;

"participating employment", in relation to any period which is reckonable as service for the purposes of the principal regulations, means any employment in which a person is required to pay graduated contributions under the Act of 1959 or the Great Britain Act, or would be required to pay such contributions if the amount paid in any income tax week on account of his remuneration exceeded the amount first mentioned in paragraph (*b*) of sub-section (1) of section 1 of the Act of 1959, or the corresponding provision of the Great Britain Act, as the case may be, but the expression does not include any period of employment on national service in respect of which contributions are paid under the provisions of the principal regulations if, immediately prior to entering national service, the person was in non-participating employment;

(a) 1950. c. 10.
(b) 1959. c. 21.
(c) 7 & 8 Eliz. 2. c. 47.
(d) S.R. & O. (N.I.) 1950, No. 103.

and other expressions have the same meanings as in the principal regulations or the Act of 1959, as the case may be.

Modification of principal regulations

2. The principal regulations shall, as from the appointed day, have effect subject to the modifications contained in these regulations.

Reduction of contributions

3.—(1) The amount of contributions payable under the principal regulations in respect of any period of participating employment by an officer to whom the provisions of paragraph (1) of regulation 29 of those regulations apply shall, in lieu of the reduction provided for by paragraph (2) of that regulation, be reduced by an amount calculated at whichever of the rates specified in paragraph (*a*) or (*b*) hereunder is the greater, that is to say:—

(*a*) a rate equivalent to one per cent. per annum of his remuneration as ascertained for the purposes of the principal regulations or, if his remuneration is at a rate exceeding £780 per annum, the rate of £7 16s. 0d. per annum; or

(*b*) (i) in the case of a man or female nurse, health visitor, physiotherapist or midwife, the sum of £3 0s. 8d. per annum; or

(ii) in the case of a female serving in any other capacity, the rate of £3 5s. 0d. per annum.

(2) The amount of contributions payable under the principal regulations in respect of any period of participating employment by an officer to whom for the time being the provisions of paragraph (1) of regulation 29 of those regulations do not apply shall be reduced in the like manner as is provided in paragraph (1) of this regulation but there shall be deducted from the amount by which contributions are so to be reduced an amount calculated at the rate of £3 0s. 8d. per annum if the officer belongs to any class mentioned in sub-paragraph (*b*)(i) of that paragraph or £3 5s. 0d. per annum if the officer belongs to the class mentioned in sub-paragraph (*b*)(ii) thereof.

Persons in part-time employment

4.—(1) Where a person whose contributions are subject to reduction under paragraph (1) of regulation 3 is an officer in the part-time employment of two or more employing authorities, the rate at which his contributions are to be reduced under that paragraph shall, in the case of contributions payable to an employing authority which is not for the time being treated as his employer for the purposes of the Act of 1946, be reduced as provided in paragraph (2) of regulation 3.

(2) Where a person whose contributions are subject to reduction under paragraph (1) of regulation 3 is an officer in the part-time employment of one or more employing authorities and is also employed in other employment in which he is not an officer and his employer in that other employment is his employer for the purposes of the Act of 1946, the rate at which his contributions are to be reduced under that paragraph shall be reduced as provided in paragraph (2) of regulation 3.

Payments for added years and additional contributory payments

5.—(1) Where an officer whose contributions are subject to reduction under regulation 3 makes payments by way of additional contributions in respect of years added under regulation 26 of the principal regulations, consent to the

making of such contributions having been given on or after the appointed day, those payments shall be reduced throughout the period for which they are payable in accordance with the provisions of paragraph (3) of this regulation.

(2) Where additional contributory payments are made in accordance with the provisions of the second schedule to the principal regulations by an officer whose contributions are subject to reduction under regulation 3, in respect of any period of participating employment or period of non-participating employment for which a payment in lieu of contributions is required to be made under the Act of 1959 those additional contributory payments shall not be subject to reduction under sub-paragraph (5) of paragraph 6 of the second schedule to the principal regulations, but shall be reduced in accordance with the provisions of paragraph (4) of this regulation.

(3) The additional contributions mentioned in paragraph (1) shall be at the rate of three-quarters of the appropriate percentage of remuneration specified in column 2 of the sixth schedule to the principal regulations for so much of the remuneration as does not exceed £780 per annum, and at the appropriate percentage so specified for so much of the remuneration (if any) as exceeds that amount.

(4) The payments mentioned in paragraph (2) shall be at the rate of three-quarters of the appropriate percentage specified in Table I(*a*), I(*b*), II or III contained in the second schedule to the principal regulations for so much of the remuneration as does not exceed £780 per annum, and at the appropriate percentage so specified for so much of the remuneration (if any) as exceeds that amount.

(5) If in respect of an officer, the payments mentioned in paragraphs (1) and (2) have been reduced in accordance with this regulation, the period in respect of which any such payment has been made shall be treated for the purposes of these regulations as a period of service in participating employment.

Reduction of employers' contributions

6.—(1) Where the contributions payable by an officer under the principal regulations are subject to reduction under regulation 3, the contributions to be paid in respect of him by the employing authority under the principal regulations shall be reduced in the like manner as provided in the aforesaid regulation 3 and such reduction shall, in any case in which paragraph (1) of regulation 29 of the principal regulations applies to the officer, be in lieu of the reduction provided for in paragraph (2) of that regulation.

(2) Any additional contributions payable by the employing authority in the circumstances mentioned in paragraph (1) of regulation 5 shall be subject to the like reduction as is required to be made under that paragraph in the contributions of the officer.

Reduction of transfer values

7.—(1) Where it has been agreed to pay a transfer value under paragraph (1) of regulation 32 of the principal regulations or where a transfer value is payable in accordance with regulation 34 of those regulations and it has been decided to calculate the amount of the transfer value in accordance with the provisions of the fourth schedule to those regulations then, if—

(*a*) the service in respect of which the transfer value is payable is, or includes, service in participating employment or in non-participating

employment at the end of which a payment in lieu of contributions is required to be made under the Act of 1959; and

(*b*) the reduction provided for in paragraph 6 of the fourth schedule to the principal regulations would, apart from these regulations, be applied in calculating the amount of that transfer value,

the transfer value or such part of it as is attributable to the period of such employment shall, in lieu of any reduction which would otherwise be required to be made under paragraph 6 of the fourth schedule to the principal regulations, be reduced in accordance with this regulation and the remainder (if any) of the transfer value, if it is subject to reduction in accordance with the said paragraph 6 of the fourth schedule to the principal regulations, shall be reduced in accordance therewith.

(2) The transfer value or such part of it as is attributable to the period of any such employment as is mentioned in paragraph (1) shall be reduced by an amount equal to one-quarter of the aggregate of the sums calculated in accordance with paragraphs 4 and 5 of the fourth schedule to the principal regulations, in respect of that period on so much of the person's remuneration as does not exceed £780 per annum:

Provided that in the case of a person whose contributions were, at the date on which he ceased to be an officer, subject to reduction in accordance with paragraph (2) of regulation 3 or who, immediately before so ceasing, was employed as an officer in non-participating employment in which the provisions of paragraph (1) of regulation 29 of the principal regulations did not apply to him and at the end of which a payment in lieu of contributions is required to be made under the Act of 1959, there shall be added to the transfer value or part thereof so reduced the amount by which that transfer value or part thereof would have been reduced under paragraph 6 of the fourth schedule to the principal regulations had that paragraph applied for the reduction of the transfer value in question.

Reduction of pension

8.—(1) Subject to the provisions of paragraph (2) where a pension becomes payable under the principal regulations to an officer on his ceasing to hold employment under an employing authority which was treated as his employer for the purposes of the Act of 1946 and any period of service reckonable in calculating the amount of that pension has been in participating employment in which his contributions have been subject to reduction under regulation 3, the part of the pension which is attributable to any such period of service shall, as from the date on which the officer becomes entitled to that pension, or if on becoming entitled to the pension he has not yet reached pensionable age within the meaning of the Act of 1946, as from the date on which he reaches that age, be reduced in accordance with regulation 9 and any provision for the reduction of the pension contained in regulation 29 of the principal regulations shall cease to apply in relation to that part of the pension:

Provided that the reduction required to be made in accordance with regulation 9 shall not be less than the reduction which but for that regulation, would be required to be made in the pension under regulation 29 of the principal regulations.

(2) For the purposes of this regulation and regulation 9 no account shall be taken of any period of participating employment occurring during an income tax year if no graduated contributions have been paid under the Act of 1959 in respect of any such period during that year.

(3) Notwithstanding anything in the last foregoing paragraph, a period of employment as an officer, in respect of which a payment in lieu of contributions is required to be made under the Act of 1959, shall be treated for the purposes of this regulation and regulation 9 as a period of participating employment in respect of which contributions have been paid subject to the reductions provided for by regulation 3.

(4) No account shall be taken of the reduction of any pension under these regulations—

(*a*) in calculating the amount of any widow's pension payable under the principal regulations; or

(*b*) for the purposes of so much of the proviso to paragraph (1) of regulation 8 of the principal regulations as provides that an officer's pension shall not exceed forty-five eightieths of his average remuneration; or

(*c*) for the purposes of sub-paragraph (*a*) of paragraph 1 of the first schedule to the principal regulations.

9.—(1) Where a pension payable under the principal regulations would, apart from these regulations, be subject to reduction under sub-paragraph (ii) of paragraph (3) of regulation 29 of the principal regulations, so much of that pension as is attributable to any period of participating employment shall in lieu of such reduction be reduced—

(*a*) for each year of such employment which is reckonable as contributing service in calculating the amount of the pension, by a sum equal to 1/240th of so much of the average remuneration as does not exceed £780 per annum; and

(*b*) for each year of such employment which is reckonable as non-contributing service in calculating the amount of the pension, by a sum equal to 1/480th of so much of such average remuneration as aforesaid:

Provided that—

(i) where, under paragraph (4) of regulation 29 of the principal regulations any period of service would, apart from this regulation, fall to be disregarded for the purposes of that regulation, there shall be deducted from the amount by which the pension is to be reduced under this regulation the sum of £1 14s. 0d. in respect of each completed year comprised in any such period; and

(ii) for the purposes of this regulation where a person becomes entitled to a pension on ceasing to be employed in a non-participating employment, no account shall be taken of any part of the average remuneration in excess of £676 per annum in the case of a man or £624 per annum in the case of a woman.

(2) Where the pension payable under the principal regulations would, apart from these regulations, be subject to reduction under sub-paragraph (i) of paragraph (3) of regulation 29 of the principal regulations it shall be reduced in accordance with the said sub-paragraph in respect of so much of the pension as is attributable to any period of participating employment, and shall be further reduced in like manner as provided in paragraph (1) but shall be increased by the sum of £1 14s. 0d. for each year of contributing service and 17s. for each year of non-contributing service comprised in that period.

(3) Where a pension payable under the principal regulations is not subject to reduction under regulation 29 of the principal regulations, so much of

that pension as is attributable to any period of participating employment shall be reduced in like manner as provided in paragraph (1), but shall be increased by the sum of £1 14s. 0d. for each year of contributing service and 17s. for each year of non-contributing service comprised in that period.

(4) Where a person has become employed as an officer after having been employed in other employment (in this paragraph referred to as "his former employment") and by virtue of any provision contained in regulations made under section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950, his service in his former employment is to be reckoned in any manner and to any extent as service as an officer for the purposes of the principal regulations then, if his former employment included any period of participating employment or period of non-participating employment at the end of which a payment in lieu of contributions had been made under the Act of 1959 or the Great Britain Act, so much of any pension payable to him as is attributable to any such period shall, in lieu of any reduction for which this regulation provides, be reduced in like manner as if—

(*a*) he had continued in his former employment and retired from it on the day when he ceased to be employed as an officer; and

(*b*) any modification provision applicable to him immediately before he ceased to be employed in his former employment had been applied in relation to the period of his service before that date.

Reduction of retiring allowance, short service gratuity and death gratuity

10.—(1) Subject to the provisions of this regulation, if no pension is payable to a person, but there is payable to or in respect of him a retiring allowance under regulation 7 of the principal regulations, a short service gratuity under regulation 10 of those regulations or a death gratuity under regulation 12 of those regulations and, by reason of the cessation of his employment a payment in lieu of contributions is required to be made under the Act of 1959 or such a payment has previously been made in respect of him under the Act of 1959 or the Great Britain Act in circumstances not involving a return of contributions, the retiring allowance, short service gratuity or death gratuity shall be reduced in respect of each such payment in lieu of contributions by a sum amounting to one-half of that payment and the Committee shall pay to any employing authority by whom such a payment in lieu as aforesaid has been made a sum representing the amount by which the retiring allowance, short service gratuity or death gratuity has been reduced under this regulation in respect of such a payment in lieu made by that authority.

(2) No payment in lieu of contributions shall be taken into account for the purposes of this regulation—

(*a*) on more than one occasion;

(*b*) if the payment was made on the termination of any period of employment which is not reckonable as service for the purposes of the principal regulations; or

(*c*) if the payment is one which has been reduced under regulation 13 of the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations (Northern Ireland), 1960(**a**), or any corresponding regulation in Great Britain.

(**a**) S.R. & O. (N.I.) 1960, No. 181.

Adjustments following payments in lieu of contributions

11.—(1) Subject to the provisions of this regulation, where a person leaves employment as an officer or dies in circumstances in which, under the principal regulations, there is payable to or in respect of him an amount by way of return of contributions and a payment in lieu of contributions under the Act of 1959 or the Great Britain Act has previously been made in respect of him in circumstances not involving a return of contributions, the amount payable to or in respect of him by way of return of contributions shall be reduced by a sum equal to the amount, or aggregate of the amounts, by which, under sub-section (5) of section 9 of the Act of 1959 or under the corresponding provision of the Great Britain Act, as the case may be, any payment by way of return of contributions could have been reduced if one had been made at the time when the previous payment in lieu of contributions was made and if any such payment in lieu of contributions has been made by an employing authority the Committee shall pay to that employing authority a sum equal to the amount by which the amount payable to or in respect of the officer by way of return of contributions has been reduced under this paragraph in respect of such a payment in lieu of contributions as aforesaid made by that employing authority.

(2) No payment in lieu of contributions shall be taken into account for the purposes of this regulation—

(*a*) on more than one occasion, or

(*b*) if the payment is one which has been reduced under regulation 13 of the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations (Northern Ireland), 1960, or any corresponding regulation in Great Britain.

(3) Where a payment to any person by way of return of contributions is reduced under sub-section (5) of section 9 of the Act of 1959 or under paragraph (1) of this regulation or under any corresponding provision in Great Britain, the amount by which the payment is reduced shall be treated for the purposes of any subsequent return of contributions to which the person may become entitled as having been returned to and retained by him.

Contributions deemed to have been made

12. If, in respect of any period, an officer pays no contributions under the principal regulations by reason of the fact that the amount of the reduction in his contributions provided for by these regulations equals or exceeds the amount of his contributions, he shall nevertheless be deemed, for the purposes of sub-paragraph (*a*) of paragraph (1) of regulation 16 of the principal regulations to have made the contributions required by the principal regulations in respect of that period.

Fractions of a penny

13. For the purposes of these regulations, no account shall be taken of a fraction of a penny which is less than a halfpenny and a fraction of a penny which is equal to or greater than a halfpenny shall be treated as a penny.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 20th day of March, nineteen hundred and sixty-one, in the presence of

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