EXPLANATORY NOTE

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

These Regulations prescribe revised forms to simplify the operation of the Supplementary Eye Services.

1963. No. 124 **[C]**

LOCAL GOVERNMENT SUPERANNUATION

REGULATIONS*, DATED 26TH JUNE, 1963, 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, in exercise of the powers conferred on it by 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 in the terms of a draft which has been approved by the Ministry of Finance in accordance with section 7(2) of the afore-mentioned Act:—

Citation and commencement

1. These regulations may be cited as the Local Government Superannuation (Interchange with English Teaching Service) Regulations (Northern Ireland) 1963, and shall come into operation on the 27th June, 1963.

Interpretation

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

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

"the Act of 1925" means the Teachers (Superannuation) Act 1925(**b**);

"the Teachers Acts" means the Teachers (Superannuation) Acts 1918 to 1956;

"the Local Government Superannuation Regulations" means the Local Government (Superannuation) Regulations (Northern Ireland) 1962(**c**);

"added years" means in relation to an officer any additional years of service reckonable by him under regulation 26 of the Local Government Superannuation 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 under the Local Government Superannuation Regulations;

"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;

"employing authority" has the same meaning as in the Local Government Superannuation Regulations;

(**a**) 1950. c. 10. (**b**) 15 & 16 Geo. 5. c. 59. (**c**) S.R. & O. (N.I.) 1962, No. 210.

*A draft of these regulations was approved by resolutions of the Senate and of the House of Commons on the 25th day of June, 1963.

"the Minister" means the Minister of Education for England and Wales;

"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(a), 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;

"officer" has the same meaning as in the Local Government Superannuation Regulations;

"transfer value" has the same meaning as "accrued superannuation value"; and

"voluntary contributions" means—

(*a*) in relation to a person who has become an officer after leaving employment in which he was a person in contributory service under the Teachers Acts, payments (other than payments required by section 9 of the Act of 1925 and completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) made as a condition of being entitled to reckon any period as contributory service for the purposes of the Teachers Acts; and

(*b*) in relation to a person who has become a person in contributory service under the Teachers Acts after leaving employment in which he was an officer, 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; and

(iii) any payments of a similar nature which, having been commenced in a previous employment, were continued in his employment as an officer.

(2) In these regulations references to any Act of the Parliament of the United Kingdom or to any provision contained in an order, regulation, rule, scheme or other instrument having effect by virtue of such an Act shall be construed as references to that Act or provision as amended, extended, applied or re-enacted by any other such Act or provision.

Reckoning of previous service

3.—(1) Where a person, without having become entitled to any benefit under the Teachers Acts other than a return of contributions, has become an officer within the prescribed period (as defined in regulation 4) after ceasing to be employed in contributory service under the Teachers Acts, other than service which is treated as contributory service by virtue of its being—

(*a*) approved external service for the purposes of section 13 of the Act of 1925; or

(*b*) treated under any scheme made under section 21(1)(*c*) of the Act of 1925 in the same manner as such approved external service,

then, subject to the provisions of these regulations, he shall be entitled to reckon as contributing service any period which he was entitled to reckon as

(a) 14 & 15 Geo. 6, c. 65.

recognised or contributory service under the Teachers Acts at the date on which he last ceased to be employed in such service:

Provided that—

(i) this regulation shall not apply in relation to any person unless the Committee receive from the Minister in respect of such recognised or contributory service a transfer value calculated in accordance with the rules for the time being in force for that purpose under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(a);

(ii) this regulation shall not apply in relation to any person unless within three months after the date on which he has become an officer 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 Committee, with the agreement of the Minister, may in any particular case allow, he notifies the Committee, in writing, 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 last ceased to be employed in contributory service under the Teachers Acts and pays to them an amount equal to any sum received by him by way of a return of contributions, other than voluntary contributions, on or after last ceasing to be employed in such contributory service, together with an amount equal to any income tax which was deducted from his contributions in respect of such return; and

(iii) this regulation shall not apply in relation to any person who ceased to be employed in such contributory service under the Teachers Acts as aforesaid or became an officer before the date of the coming into operation of these regulations unless—

(*i*) he ceased to hold his former employment not earlier than 1st April, 1950;

(*ii*) the Minister agrees to the payment of a transfer value; and

(*iii*) in the case of a person who is not an officer at the date of the coming into operation of these regulations the Committee agree that this regulation shall apply to him.

(2) In the case of a person to whom paragraph (1) applies—

(*a*) any period of contributory service under any scheme made under section 21(1)(*a*) of the Act of 1925 or any period of service which is treated as contributory service by virtue of its being—

(i) approved external service for the purposes of section 13 of the Act of 1925, or

(ii) treated under any scheme made under section 21(1)(*c*) of the Act of 1925 in the same manner as such approved external service,

shall not be reckonable as service for the purposes of the Local Government Superannuation Regulations, except for the sole purpose of determining whether he is entitled to any benefit thereunder;

(*b*) any period of employment which was qualifying service within the meaning of the Act of 1925 shall be disregarded;

(*c*) any period of employment in recognised or contributory service under the Teachers Acts in respect of which the person received a return of contributions, not being a return of contributions after last ceasing to be employed in contributory service, which he has not subsequently repaid to the Minister under the proviso to section 12(2) of the Act of 1925 shall be disregarded;

(a) 11 & 12 Geo. 6. c. 33.

(*d*) any period of service which prior to his becoming a person in contributory service under the Teachers Acts was non-contributing service or was reckonable in the same or substantially the same manner as such non-contributing service by virtue of the provisions of any enactment or scheme shall be reckonable as non-contributing service at double the length at which it was reckonable as contributory service under the Teachers Acts; and

(*e*) any contributory service which was reckonable only for the purpose of calculating the amount of any allowance or gratuity payable to or in respect of him under the Teachers Acts shall not be reckonable for the purpose of determining whether he is entitled to any benefit under the Local Government Superannuation Regulations.

Definition of "the prescribed period"

4.—(1) For the purposes of these regulations, subject as hereinafter provided, "the prescribed period" means—

(*a*) in the case of a person who immediately after leaving his employment in contributory service under the Teachers Acts or, as the case may be, his employment as an officer, 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 such employment as aforesaid.

(2) Subject as hereinafter provided—

(*a*) in reckoning the said period of twelve months, or, as the case may be, the said period of six months mentioned in paragraphs (1)(*a*) and (1)(*b*) no account shall be taken of any period spent by the person on a course of study or training which he entered after leaving his former employment; and

(*b*) if the person left employment in contributory service, or, as the case may be, employment as an officer in order to enter a course of study or training and on completion of that course became engaged in national service, he shall be deemed for the purposes of paragraph (1) to have left his former employment at the time when he completed the said course of study or training.

(3) The provisions of paragraph (2) shall not apply—

(*a*) to a person who in his new employment is in contributory service under the Teachers Acts unless—

(i) before leaving his former employment (or, if between leaving that employment and entering the said course of study or training he was engaged in national service, before the end of that service) he gave notice in writing to the Committee of his intention to enter the said course of study or training; and

(ii) the Minister is satisfied that by reason of his having undertaken the said course of study or training the person is better fitted for the duties of his new employment;

(*b*) to a person who in his new employment is an officer unless the Committee are satisfied that by reason of his having undertaken the said course of study or training he is better fitted for the duties of his new employment.

Continuation of voluntary contributions

5.—(1) Where any person to whom regulation 3 has become applicable was, at the time when he ceased to be employed in contributory service under

the Teachers Acts, in the course of making voluntary contributions and he notifies the Committee in writing within three months after becoming an officer, or within such longer period as the Committee may in any particular case allow, that he elects to make payments in pursuance of this regulation and pays forthwith to the Committee an amount equal to any sum paid to him by way of return of any such voluntary contributions as aforesaid on or after ceasing to be employed in contributory service under the Teachers Acts together with an amount equal to any income tax which was deducted from those voluntary contributions in respect of such return then 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 remained in contributory service under the Teachers Acts.

(2) 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.

National Insurance modification

6.—(1) The modifications for which regulation 42 of the Local Government Superannuation Regulations provides shall not apply to any person to whom regulation 3 of these regulations has become applicable if the modifications for which the National Insurance (Modification of Teachers Pensions) Regulations 1948(a) provide did not apply in his case at the date when he ceased to be employed in contributory service under the Teachers Acts.

(2) Regulation 42 of the Local Government Superannuation Regulations shall apply to any other person (not being a person referred to in paragraph (1)) to whom regulation 3 of these regulations has become applicable 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 National Insurance (Modification of Teachers Pensions) Regulations 1948 for the purpose of calculating the amount of the reduction of any benefit to which the person might have become entitled under the Teachers Acts had he continued to be subject thereto, were contributing service rendered on or after 1st April, 1950.

(3) Where in the case of a person to whom paragraph (2) applies any benefit to which he might have become entitled under the Teachers Acts would have been modified under the National Insurance (Modification of Teachers Pensions) Regulations 1948 by reference to a table and to his age at a given date, regulation 42 of the Local Government Superannuation Regulations shall have effect as if any provision therein modifying superannuation benefits by reference to a table and to 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 a reference to his age at the date which was relevant for the purposes of the National Insurance (Modification of Teachers Pensions) Regulations 1948.

Return of contributions

7. Where a person to whom regulation 3 applies ceases to be an officer 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

(a) S.I. 1948/889 (Rev. XVI, p. 298; 1948 I, p. 2851).

of his contributions shall be increased by a sum in respect of contributions paid by him in respect of service which by virtue of these regulations has become reckonable as service for the purposes of the said regulations:

Provided that the sum by which a return of contributions or a benefit which falls to be calculated with reference thereto is increased by virtue of this regulation shall not include any amount in respect of such voluntary contributions as are referred to in regulation 5 which have not been continued in pursuance of that regulation.

Transfer values payable by the Committee

8.—(1) Where a person without having become entitled to any benefit under the Local Government Superannuation Regulations other than a return of contributions has become employed in such contributory service under the Teachers Acts as is mentioned in regulation 3(1) within the prescribed period (as defined in regulation 4) after ceasing to be an officer then there shall be payable by the Committee to the Minister a transfer value calculated in accordance with the provisions of the third schedule to the Local Government Superannuation Regulations 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—

(i) this regulation shall not apply in relation to any person, unless within three months after becoming a person in such contributory service under the Teachers Acts as aforesaid 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 Minister, with the agreement of the Committee, may in any particular case allow he notifies the Minister, in writing, that he desires these regulations to apply to him, furnishes him with particulars of any national service in which he has been engaged since he ceased to be an officer and pays to him an amount equal to any sum paid to him by way of a return of contributions, other than voluntary contributions, on or after his ceasing to be an officer, together with an amount equal to any income tax which was deducted from his contributions in respect of such return;

(ii) this regulation shall not apply in relation to any person who ceased to be an officer or became employed in such contributory service under the Teachers Acts as aforesaid before the date of the coming into operation of these regulations, unless—

(*i*) the Committee agree to the payment of a transfer value; and

(*ii*) in the case of a person who is not employed in such contributory service under the Teachers Acts as aforesaid at the date of the coming into operation of these regulations, the Minister agrees that this regulation shall apply to him.

(2) Where, in the case of a person to whom paragraph (1) applies, the employing authority by whom he was previously employed exercise a discretion under regulation 26(8) of the Local Government Superannuation Regulations to add a number of years to his service then the service reckonable immediately before he left his employment as an officer shall be deemed for the purposes of these regulations to have been correspondingly increased.

Contributions not returnable

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.

Determination of questions

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 an officer in circumstances in which these regulations apply.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 26th day of June, nineteen hundred and sixty-three.

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

EXPLANATORY NOTE

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

These regulations form part of an arrangement for interchange of superannuation rights between the Northern Ireland local government service and the teaching service in England and Wales.

The regulations provide that—

(*a*) if a person employed in the teaching service transfers within a prescribed period (generally twelve months) to employment superannuable under the Local Government (Superannuation) Regulations (Northern Ireland) 1962 and gives notice that he wishes the regulations to be applied in his case any prior teaching service in respect of which an appropriate transfer value is received shall be reckonable for superannuation purposes in relation to his new employment; and

(*b*) if a person transfers to teaching service within a prescribed period (generally twelve months) from employment superannuable under the Local Government (Superannuation) Regulations (Northern Ireland) 1962 and gives notice that he wishes the regulations to be applied in his case a transfer value shall be paid by the Northern Ireland Local Government Officers' Superannuation Committee in order to secure rights for him in his new scheme in respect of the superannuable service already rendered by him.

The regulations have limited retrospective effect but this will operate only at the request of the person concerned and with the agreement of the authority responsible for the payment of a transfer value.