1963. No. 154 **[C]**

NATIONAL INSURANCE

Non-participation—Assurance of Equivalent Pension Benefits

REGULATIONS, DATED 2ND AUGUST 1963, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1946 TO 1963.

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of powers conferred by section 57 of the National Insurance Act (Northern Ireland) 1946(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Amendment Regulations (Northern Ireland) 1963, shall be read as one with the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations (Northern Ireland) 1960(**b**) (hereinafter referred to as "the principal regulations") and shall come into operation on the 5th August 1963.

Regulation added to the principal regulations

2. The following regulation shall be added after regulation 19 of the principal regulations:

"*Interruptions in non-participating employment due to absence from Northern Ireland*

20.—(1) The foregoing provisions of these regulations shall, in relation to persons who are or have been outside Northern Ireland while insured under the Act, have effect subject to the following provisions of this regulation.

(2) Where an insured person's employment ceases to be a non-participating employment by reason of his being employed outside Northern Ireland and, apart from this paragraph, the period of his service in that employment would fall, by virtue of regulation 2(7)(*a*), to be treated, for the purpose of the provisions of Part II of the Act of 1959 relating to the making of a payment in lieu of contributions, as having then come to an end—

(*a*) the said regulation 2(7)(*a*) shall not apply; and

(*b*) if immediately before that cessation a period of contribution liability was current in relation to the employment, the provisions of paragraphs (1) to (6) of regulation 2 shall, whether or not that period terminated at the end of the contribution week in which the employment last was a non-participating employment, apply as if such a termination had occurred at the end of that week.

(**a**) 1946. c. 23.
(**b**) S.R. & O. (N.I.) 1960, No. 181 as amended by S.R. & O. (N.I.) 1961, No. 169 and 1963, No. 71.

(3) A contribution week beginning after an insured person's employment ceases to be a non-participating employment by reason of his being employed outside Northern Ireland shall not be included in reckoning a period of contribution liability in that employment for the purpose of these regulations, unless not later than the beginning of that week the employment has again become a non-participating employment.

(4) Where an insured person's employment ceases to be a non-participating employment by reason of his being employed outside Northern Ireland and thereafter again becomes a non-participating employment, then, notwithstanding the provisions of section 8(2) of the Act of 1959 (which provides that, for the purpose of certain provisions of Part II of that Act, if an employment becomes or ceases to be a non-participating employment in the course of a person's service in it, his service before and after the time when it does so shall be treated as service in different employments), the insured person's service before the employment ceased to be, and after it again becomes, a non-participating employment shall not be treated as service in different employments.

(5) Subject to the following provisions of this regulation, the power conferred on the Ministry by regulation 18(1) to extend the period of thirteen contribution weeks referred to in regulation 2(2) and (3) (which period, including any extension thereof, is hereafter in this regulation referred to as a "period of interruption") may, in the case of an insured person who is absent from Northern Ireland in the employment or in any other employment under the same employer, be exercised without regard to the conditions of sub-paragraphs (*a*) and (*b*) of regulation 18(1).

(6) Subject as aforesaid, any extension allowed by virtue of paragraph (5) shall cease if the insured person returns to Northern Ireland, but in that event the Ministry may, notwithstanding the provisions of the said sub-paragraphs (*a*) and (*b*), allow such further extension or extensions under regulation 18(1) as it may think fit:

Provided that no extension shall be allowed by virtue of this paragraph for more than one hundred and thirty weeks after the insured person's return to Northern Ireland.

(7) For the purposes of this regulation, an insured person who is in Northern Ireland on holiday with pay from an employment outside Northern Ireland shall be treated as absent from Northern Ireland in that employment, and, if he remains in Northern Ireland after the end of his period of holiday with pay, he shall be treated as then returning to Northern Ireland.

(8) The Ministry, in deciding whether to allow any extension by virtue of paragraph (5) or paragraph (6), shall have regard to whether the insured person retains membership of the recognised superannuation scheme relating to the employment or other qualification for benefit thereunder, and to any other relevant circumstances.

(9) Nothing in the proviso to regulation 3 shall require the exclusion from a notice of any contribution weeks in a period of interruption, being contribution weeks in or preceding an extension allowed by virtue of paragraph (5):

Provided that this paragraph shall not apply if a new period of contribution liability began in relation to the employment at the end of

the period of interruption and the insured person was absent from Northern Ireland in the employment in the first week of that period of contribution liability."

Revocation

3. Regulation 18(1)(*b*)(ii) of the principal regulations is hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 1st day of August, nineteen hundred and sixty-three.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 2nd day of August, nineteen hundred and sixty-three.

(L.S.) *W. W. Arthur,*
Assistant Secretary.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations (Northern Ireland) 1960 by inserting new provisions regarding breaks in non-participating employment due to an insured person's absence from Northern Ireland. The Regulations provide that the present arrangements for disregarding temporary interruptions in non-participating employment shall apply where an employment, although continuing, ceases to be non-participating because of the insured person's absence abroad. They also provide for extending those arrangements, at the Ministry's discretion, so as to cover longer breaks during which the person is employed abroad by the same employer. The remaining provisions are of a minor or consequential nature.