(ii) limits the effect of certain provisions for the reduction, termination or suspension of a pension,

(iii) entitles certain officers who had elected to retain their former pension rights on entering the Health Service to receive a pension after 10 years' service at the age of 65 in the case of a man and 60 in the case of a woman.

These amendments are needed to ensure that pension benefits under the Health Services Superannuation Scheme are not less favourable than graduated benefits under the National Insurance Act (Northern Ireland) 1966 and so permit Health Service employees to continue to be contracted out of the scheme under that Act.

**1966. No. 281** **[C]**

## NATIONAL INSURANCE

### Local Government Superannuation Scheme—Modification and Non-participation

### Belfast Corporation Superannuation Scheme—Non-participation

REGULATIONS, DATED 1ST DECEMBER 1966, MADE BY THE MINISTRY OF DEVELOPMENT UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

Whereas the Ministry of Finance has determined under section 103 of the National Insurance Act (Northern Ireland) 1966(**a**), that the Ministry of Development is the appropriate department of the Government of Northern Ireland to make regulations under that section 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(**b**):

Now, therefore, the Ministry of Development in exercise of the powers conferred on it by sections 61 and 103 of the National Insurance Act (Northern Ireland) 1966, and of all other powers enabling it in that behalf, and after consultation with such bodies as appear to it fairly to represent the interests of employed persons of the classes concerned and their employers, hereby makes the following regulations:—

### PART I

### GENERAL

*Citation and Commencement*

**1.** These regulations may be cited as the National Insurance (Local Government Superannuation Scheme—Modification and Non-participation) Regulations (Northern Ireland) 1966, and shall come into operation on 1st February 1967.

(a) 1966, c. 6 (N.I.), (b) 1950, c. 10,

*Interpretation*

**2.**—(1) In these regulations—

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

"the Act of 1966" means the National Insurance Act (Northern Ireland) 1966;

"the No. 2 Act of 1966" means the National Insurance (No. 2) Act (Northern Ireland) 1966(**b**);

"the Great Britain Acts" means the National Insurance Acts 1959 and 1965(**c**);

"the Isle of Man Act" means the National Insurance (Isle of Man) Act 1961 (an Act of Tynwald);

"the principal regulations" means the Local Government (Superannuation) Regulations (Northern Ireland) 1962(**d**);

"average remuneration" has the meaning assigned to it by regulation 32 of the principal regulations;

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

"flat-rate contributions" means contributions payable under section 3 of the Act of 1966 or any provision which that section replaced or the corresponding provision of the Great Britain Acts or the Isle of Man Act;

"graduated contributions" means contributions payable under section 1(1)(*b*) of the Act of 1959, section 4 of the Act of 1966, section 1 of the No. 2 Act of 1966, or the corresponding provision of the Great Britain Acts or the Isle of Man Act;

"maximum graduated remuneration" means, for any period of employment or part of a period prior to 6th January, 1964, £780 per annum, and for any period of employment or part of a period commencing on or after that date the maximum annual amount on which, during that period or part, graduated contributions were payable for any one employment except that for any period or part of a period of employment after 4th October 1966 the expression means the maximum annual amount on which contributions would have been payable under section 4(1) of the Act of 1966 before any amendment thereof by section 1 of the No. 2 Act of 1966;

"the Ministry" means the Ministry of Development;

"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 1966, the Great Britain Acts or the Isle of Man Act, relating to the payment of graduated retirement benefit;

"non-participating employment" has the meaning assigned to it by section 55 of the Act of 1966, or the corresponding provision of the Great Britain Acts or the Isle of Man Act, as the case may be;

"officer" has the meaning assigned to it by 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, or would be required to pay such contributions if the amount paid in any income tax week on account of his remuneration, or which would have been paid but for any suspension of remuneration due to leave of

(a) 1959. c. 21.
(b) 1966. c. 16 (N.I.).
(c) 7 & 8 Eliz. 2. c. 47 and 1965. c. 51.
(d) S.R. & O. (N.I.) 1962, No. 210.

absence, exceeded the amount first mentioned in section 4(1) of the Act of 1966, or the corresponding provision of the Great Britain Acts or the Isle of Man Act, as the case may be, but the expression does not include any period of non-participating employment or 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;

"payment in lieu of contributions" means a payment in lieu of contributions under the Act of 1959, the Act of 1966, the Great Britain Acts or the Isle of Man Act;

"pension" means a pension payable under regulation 9 of the principal regulations;

and other words and expressions have the same meanings as in the principal regulations or the Act of 1966, as the case may be.

(2) References in these regulations to any Act of the Parliament of the United Kingdom or to any Act of Tynwald 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 enactment as amended, extended, applied or re-enacted by any other enactment.

(3) For the purposes of these regulations no account shall be taken of fractions of a penny less than a halfpenny and fractions of a penny of a halfpenny or more shall be treated as a penny.

*Revocation*

**3.** The National Insurance (Non-participation—Local Government Staffs) Regulations (Northern Ireland) 1960(a), the National Insurance (Modification of Local Government Superannuation Scheme) Regulations (Northern Ireland) 1961(b), the National Insurance (Non-participation—Local Government Staffs) Regulations (Northern Ireland) 1961(c), the National Insurance (Modification of Local Government Superannuation Scheme) No. 2 Regulations (Northern Ireland) 1961(d), the National Insurance (Modification of Local Government Superannuation Scheme) (Amendment) Regulations (Northern Ireland) 1963(e) and the National Insurance (Modification of Local Government Superannuation Scheme) No. 2 (Amendment) Regulations (Northern Ireland) 1963(f) are hereby revoked.

*Modification of principal regulations*

**4.** The principal regulations shall have effect subject to the modifications contained in these regulations.

## PART II

### MODIFICATION OF CONTRIBUTIONS AND CERTAIN OTHER PAYMENTS

*Reduction of contributions*

**5.**—(1) Subject to the provisions of these regulations, the amount of the contributions payable by an officer under the principal regulations in respect of any period of participating employment shall be reduced by an amount calculated at whichever of the rates specified in sub-paragraphs (*a*) or (*b*) hereunder is the greater, that is to say—

(a) S.R. & O. (N.I.) 1960, No. 100.
(b) S.R. & O. (N.I.) 1961, No. 24.
(c) S.R. & O. (N.I.) 1961, No. 41.
(d) S.R. & O. (N.I.) 1961, No. 66.
(e) S.R. & O. (N.I.) 1963, No. 203.
(f) S.R. & O. (N.I.) 1963, No. 237.

(*a*) a rate equivalent to one per cent. of so much of his remuneration as does not exceed the maximum graduated remuneration for the time being, or

(*b*) (i) in the case of a man, and of a woman who is a nurse, physiotherapist, midwife or health visitor, the rate of three pounds and eight pence per annum; or

(ii) in the case of a woman serving in any other capacity, the rate of three pounds five shillings per annum.

(2) For the purposes of paragraph (1) the remuneration of an officer means his remuneration as ascertained for the purposes of the principal regulations.

*Officers whose contributions are not subject to reduction in connection with the making of flat-rate contributions*

**6.** In the case of an officer to whom, by virtue of paragraphs (6), (9), (10) or (12) of regulation 42 of the principal regulations, paragraph (2) of that regulation does not for the time being apply, there shall be deducted from the amount by which the contributions payable by that officer are to be reduced under the last foregoing regulation an amount calculated at the rate of three pounds and eight pence per annum if the officer belongs to any class mentioned in sub-paragraph (*b*)(i) of paragraph (1) of that regulation or three pounds five shillings per annum if she belongs to the class mentioned in sub-paragraph (*b*)(ii) of that paragraph.

*Persons in part-time employment*

**7.**—(1) Where a person whose contributions are subject to reduction under this part 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 treated as his employer for the purposes of the Act of 1966, the rate at which his contributions are to be reduced under regulation 5 shall be reduced as provided in regulation 6.

(2) Where a person whose contributions are subject to reduction under this part 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 regulation 5 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 1966, be reduced as provided in regulation 6.

*Reduction of employing authority's contributions*

**8.** The contributions to be paid by an employing authority in respect of any period of participating employment of an officer shall be reduced in the like manner as provided in regulation 5:

Provided that in relation to an officer whose contributions, if any, are not subject to reduction in connection with the making of flat-rate contributions, the rate of reduction shall be varied as provided in regulation 6.

*Exclusion of existing provisions for reduction*

**9.** So long as the contributions payable by any officer or employing authority are subject to reduction in accordance with this part, those contributions shall not be subject to reduction under regulation 42 of the principal regulations.

*Additional contributory payments*

**10.**—(1) An additional contributory payment, made by an officer in respect of any period of participating employment or period of non-participating

employment at the end of which a payment in lieu of contributions has been made or is required to be made shall not be subject to reduction under paragraph 6(5) of schedule 2 to the principal regulations but shall be reduced in accordance with the succeeding paragraphs.

(2) The payment of the relevant percentage of the officer's remuneration specified in the relative table in schedule 2 to the principal regulations shall be reduced—

(*a*) in respect of any period of participating employment, by an amount equivalent to one-quarter of such relevant percentage of so much of the officer's remuneration as does not exceed the maximum graduated remuneration for that period, and

(*b*) in respect of any period of non-participating employment at the end of which a payment in lieu of contributions has been made or is required to be made, by an amount equal to one-quarter of such relevant percentage of the remuneration taken into account in calculating the payment in lieu of contributions.

(3) Where any additional contributory payment would, apart from this regulation, have been reduced by any amount in accordance with paragraph 6(5) of schedule 2 to the principal regulations, the reduction required by this regulation shall be of not less than that amount.

(4) In reckoning the reduction required by this regulation there shall be excluded from any period mentioned in paragraph (1) any period of service which would not be reckonable for the purpose of calculating reduction of benefit under part III.

*Payments for added years*

**11.**—(1) Where an officer whose contributions are subject to reduction under this part commences to make payments by way of additional contributions in respect of years added under regulation 26 of the principal regulations, those payments shall not be subject to reduction under regulation 42(3) of the principal regulations but shall be reduced throughout the period for which they are payable in accordance with the succeeding paragraphs.

(2) The payment of the relevant percentage of the officer's remuneration specified in the second column of schedule 6 to the principal regulations shall be reduced by an amount equivalent to one-quarter of such relevant percentage of so much of the officer's remuneration as does not exceed the maximum graduated remuneration in force at the time when consent to the making of the payments was given.

(3) Where any payments mentioned in paragraph (1) would, apart from this regulation, have been reduced by any amount under regulation 42(3) of the principal regulations, the reduction required hereunder shall be of not less than that amount.

*Reduction of transfer values*

**12.**—(1) Where it has been agreed to pay a transfer value under regulation 50(1) of the principal regulations or where a transfer value is payable in accordance with regulation 52 of those regulations then if the transfer value is payable for a period of service of one month or more, which is, or which includes, service in participating employment or in non-participating employment at the end of which a payment in lieu of contributions has been or is required to be made, being service which is reckonable for the purposes of

calculating reduction of benefit under part III, 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 by paragraph 6 of part I of schedule 3 or paragraph 5 of schedule 4, 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 either of the said paragraphs, 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 sums calculated in accordance with paragraphs 4 and 5 of part I of schedule 3 or paragraphs 3 and 4 of schedule 4, as the case may be:

(*a*) in respect of any such period or part of such period prior to 6th January, 1964, on so much of the person's remuneration as does not exceed seven hundred and eighty pounds per annum, and

(*b*) in respect of any such period or part of such period after 5th January, 1964, on so much of the person's remuneration as does not exceed the maximum graduated remuneration for that period or part:

Provided that—

(i) in respect of any period of such employment as is mentioned in paragraph (1) for which no reduction in pension is required to be made under regulation 42(4) of the principal regulations, there shall be added to the transfer value or part as reduced the amount by which the transfer value or part would have been reduced under paragraph 6 of part I of schedule 3 or paragraph 5 of schedule 4, as the case may be, if the benefit referred to in either of the said paragraphs had fallen to be reduced in pursuance of regulation 42(4)(*e*) of the principal regulations, but the transfer value shall not thereby be increased to an amount greater than would have been the case if it had not been subject to modification under this regulation;

(ii) the reduction in respect of any period of non-participating employment at the end of which a payment in lieu of contributions has been or is required to be made shall be calculated as if the person's remuneration had been the remuneration taken into account in calculating the payment in lieu of contributions; and

(iii) where the amount of any reduction under this regulation is an aggregate of sums calculated by reference to different periods, any number of days in such a period comprising less than a whole month shall be disregarded.

(3) If, in consequence of the operation of this regulation or of paragraph 6 of part I of schedule 3 or paragraph 5 of schedule 4, no sum is payable in respect of any transfer value, payment of the transfer value shall, for the purpose of any enactment, rule, regulation or scheme requiring such payment, be deemed to have been made.

*Contributions deemed to have been made*

**13.** If in respect of any period an officer pays no contributions under the principal regulations by virtue 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 regulation 25(1)(*a*) of the principal regulations to have made the contributions required by the principal regulations in respect of that period.

## PART III

### MODIFICATION OF BENEFITS, ETC.

*Reduction of pensions*

**14.**—(1) Subject to the provisions of this regulation, where any period of service reckonable in calculating the amount of any pension to which an officer is entitled under the principal regulations has been in participating employment, 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 1966, as from the date on which he reaches that age, the part of the pension which is attributable to any such period of service shall be reduced in accordance with this part and any provision of the principal regulations for the reduction of the pension in connection with the making of flat-rate contributions shall cease to apply in relation to that part of the pension:

Provided that the reduction required to be made in accordance with this part shall not be less than that required to be made under any provision of the principal regulations for the reduction of the pension in connection with the making of flat-rate contributions.

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

(3) Notwithstanding anything in the last foregoing paragraph, a period of employment as an officer, at the end of which a payment in lieu of contributions has been or is required to be made, shall be treated for the purposes of this part as a period of participating employment.

(4) If an officer is making or has made payments under regulation 26 of the principal regulations with a view to the reckoning of added years, and those payments are or have been subject to reduction in accordance with regulations made under section 103 of the Act of 1966, the period in respect of which those payments are being or have been made shall be treated for the purposes of these regulations as a period of service in participating employment in respect of which graduated contributions have been paid, and the part of any pension to which the person subsequently becomes entitled which is attributable to that period shall be reduced in accordance with this part.

(5) No account shall be taken of the reduction of any pension under this part—

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

(*b*) for the purposes of the proviso to regulation 10(1) of the principal regulations (which provides for the maximum and minimum pensions to be granted in certain circumstances); or

(*c*) for the purposes of paragraph 1(*a*) of schedule 1 to the principal regulations (which limits the extent to which a pension can be surrendered).

(6) Where a pension granted on the grounds of incapacity to perform the duties of an employment by reason of permanent ill-health or infirmity of mind or body is, in pursuance of any provision in that behalf in the principal regulations payable at a minimum rate, the amount (if any) by which such minimum rate exceeds the amount which would have been payable apart from such provision shall not for the purposes of this part be treated as attributable to any period of service in participating employment.

**15.**—(1) Where a pension payable to any officer would, apart from these regulations, be subject to reduction in accordance with regulation 42 of the principal regulations, so much of that pension as is attributable to any period of participating employment shall be reduced—

(*a*) for each year of such employment which is reckonable as contributing service in calculating the amount of that pension, by a sum equal to one two-hundred and-fortieth of so much of the average remuneration as does not exceed the maximum graduated remuneration for the period in question; 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 one four-hundred-and-eightieth of so much of the average remuneration as aforesaid.

(2) Where an officer becomes entitled to a pension on ceasing to be employed in non-participating employment, or would have become entitled to a pension in those circumstances had he not continued in employment for more than five years after attaining pensionable age within the meaning of the Act of 1966, then, except as provided in paragraph (3), no account shall be taken for the purposes of this regulation of any part of the average remuneration in excess of the amount by reference to which his employment was non-participating employment in accordance with the certificate of the registrar of non-participating employments in force during the period of his employment.

(3) Paragraphs (1) and (2) shall apply for the reduction of so much of any pension mentioned therein as is attributable to any period of employment referred to in regulation 14(3) as if the average remuneration had been the remuneration taken into account in calculating the payment in lieu of contributions payable at the end of that period.

*Reduction of pensions payable to certain classes of officer*

**16.** Where a pension payable to an officer would, apart from these regulations, be subject to reduction under regulation 42(4)(*a*), (*b*), (*c*) or (*d*) of the principal regulations, so much of that pension as is attributable to any period of participating employment shall be reduced in accordance with the said sub-paragraph (*a*), (*b*), (*c*) or (*d*), as the case may be, and shall be further reduced in accordance with regulation 15 but shall be increased by the sum of one pound fourteen shillings for each year of contributing service and seventeen shillings for each year of non-contributing service comprised in that period.

*Service in excess of forty years*

**17.** Where a period reckonable for the calculation of a pension exceeds forty years' contributing service or forty years' contributing and non-contributing service, the non-contributing service being reckoned at half the length at which it is calculated under regulation 31 of the principal regulations, then—

(*a*) in the case of any pension to which regulation 15 applies, there shall be deducted from the amount by which the pension is to be reduced under that regulation the sum of one pound fourteen shillings in respect of each completed year of such excess period; and

(*b*) in the case of a pension to which regulation 16 applies, there shall be deducted from the amount by which the pension is to be reduced under that regulation an amount in respect of each such year equal to that by which the pension would have been reduced under regulation 42(4)(*a*), (*b*), (*c*) or (*d*) of the principal regulations had the year been reckonable as contributing service.

*Pensions not subject to reduction in connection with the making of flat-rate contributions*

**18.** Where a pension payable to an officer is not subject to reduction in accordance with regulation 42(4) of the principal regulations, so much of that pension as is attributable to any period of participating employment shall be reduced in accordance with regulation 15 but shall be increased by the sum of one pound fourteen shillings for each year of contributing service and seventeen shillings for each year of non-contributing service comprised in that period.

*Reduction of pension in respect of other reckonable employment*

**19.**—(1) Where a person has become employed as an officer after having been employed in other employment (in this regulation 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 any service reckonable by him in his former employment is to be reckoned in any manner and to any extent as service as an officer then, if his reckonable service in his former employment included any period of participating employment or non-participating employment at the end of which a payment in lieu of contributions had been made, so much of any pension payable to him as is attributable to any such period shall, in lieu of any reduction for which this part provides, be reduced—

(*a*) in the like manner as if—

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

(ii) 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, or

(*b*) if no modification provision was applicable to him at that time and the transfer value payable in respect of that employment had been adjusted to take account of the payment in lieu of contributions, by the amount of the graduated retirement benefit payable under the Act of 1966, the Great Britain Acts or the Isle of Man Act, as the case may be, in respect of the payment in lieu of contributions.

(2) Where in pursuance of regulation 27, 28 or 29 of the principal regulations, or in pursuance of any similar provision contained in any other regulations made under section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950, an officer continues to make the like additional contributory payments or payments in respect of added years as he had been entitled to make in his former employment and those payments are reduced in accordance with any provision corresponding with regulation 10 or 11, the part of any pension to which the person subsequently becomes entitled which is attributable to those payments shall be reduced in like manner as is provided in paragraph (1) as if that part of the pension had been attributable to a period of such former employment.

*Reduction of retiring allowances, short service gratuities and death gratuities*

**20.**—(1) Subject to the provisions of this regulation, if no pension is payable to an officer, but there is payable to or in respect of him a retiring allowance under regulation 9 of the principal regulations, a short service gratuity under regulation 12 of those regulations or a death gratuity under regulation 14 of those regulations and by reason of the cessation of his employment, a payment in lieu of contributions is required to be made or such a payment has previously been made in respect of him, the retiring allowance, short service gratuity or

death gratuity shall be reduced by a sum amounting to half of the payment in lieu of contributions or half of the aggregate of such payments if more than one has been made 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 as aforesaid made by that authority.

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

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

(*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 or the Isle of Man.

*Adjustments following payments in lieu of contributions*

**21.**—(1) Subject to the provisions of this regulation, where an officer leaves employment 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 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 section 59(5) of the Act of 1966, or under the corresponding provision of the Great Britain Acts or the Isle of Man 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 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 or the Isle of Man.

(3) Where a payment to any officer by way of return of contributions is reduced under section 59(5) of the Act of 1966, or under paragraph (1) or under any corresponding provision contained in or made under any other enactment (including any such provisions in force in Great Britain or the Isle of Man), the amount by which the payment is reduced shall be treated for the purposes of any subsequent return of contributions to which the officer may become entitled under the principal regulations as having been returned to and retained by the officer.

(a) S.R. & O. (N.I.) 1960, No. 181 as amended by S.R. & O. (N.I.) 1961, No. 169; 1963, No. 71 and No. 154 and 1964, No. 1.

*Reckoning of service for the purposes of the modification of pension*

**22.**—(1) For the purpose of calculating the amount of the reduction of any pension under regulation 42 of the principal regulations or under these regulations and for determining the length of any periods for which different reductions are to be made thereunder—

(*a*) all periods of service in respect of which a reduction is required to be made at the like rate shall be aggregated;

(*b*) the period reckonable as contributing service in calculating the amount of the reduction for each aggregate period shall be the number of completed years of all periods of such service comprised in that period;

(*c*) the period reckonable as non-contributing service shall be the remainder of each aggregate period after deducting the completed years of contributing service, but if such a remainder amounts to a period of less than a year or to a number of years and a period of less than a year, the period of less than a year shall, if it amounts to or exceeds six months, be treated as a year and in any other case be disregarded.

(2) Where in pursuance of the proviso to regulation 31 of the principal regulations a period of part-time service is treated as though it were whole-time service for a proportionately reduced period for the purpose of calculating a pension and that pension is subject to reduction in accordance with regulation 42 of the principal regulations that regulation shall apply as if the part-time service in question had been reckonable at its actual length.

## PART IV

### NON-PARTICIPATION

*Interpretation of Part IV*

**23.** In this part of these regulations—

"election" means an election with a view to the issue, variation, cancellation or surrender of a certificate that any employment is to be treated for the purposes of the Act of 1966, either generally or in relation to any description of persons specified in that certificate, as a non-participating employment; and

"specified employments" means employments in which a person's service qualifies him for retirement benefits by way of pension under—

(i) the Local Government (Superannuation) Act (Northern Ireland) 1950; or

(ii) any of the enactments set out in the first column of schedule 2 to that Act or any such enactment as extended or applied by any of the enactments set out in the second column of that schedule;

or would so qualify him but for any local Act providing for the payment of retirement benefits by way of pension.

*Elections, etc., to be made by the Ministry*

**24.** In relation to any specified employment—

(*a*) the Ministry hereby directs that every election shall be made or revoked by it instead of by the employer; and

(*b*) those things which are required or authorised to be done by or to the employer under—

(i) the National Insurance (Non-participation—Certificates) Regulations (Northern Ireland) 1960(a); and

(ii) the National Insurance (Non-participation—Appeals and References) Regulations (Northern Ireland) 1960(b),

shall be done by or to the Ministry.

*Employments to be treated for certain purposes as employments under a single employer*

**25.** The employments mentioned in paragraph (i) of the definition of "specified employments" which are, for the time being, non-participating employments shall be treated for the purposes of Part III of the Act of 1966 and of any regulations made thereunder as employments under a single employer different from the employer in any other employment.

## PART V

### MISCELLANEOUS

*Limitation of surrender, commutation, etc., of pensions*

**26.**—(1) No provision in the principal regulations

(*a*) for the surrender or commutation of a pension; or

(*b*) for the reduction, termination or suspension of a pension where the provision is invoked for any cause other than one prescribed by regulations made under section 56(1)(*c*) of the Act of 1966,

so far as it affects any officer who is, or was immediately before he ceased to be employed, in non-participating employment, shall operate so as to reduce a pension payable in respect of any period of service to an officer who attains the age of sixty-five years in the case of a man, or sixty years in the case of a woman, below the minimum rate of equivalent pension benefits applicable in respect of that period under the provisions of Part III of the Act of 1966.

(2) For the purposes of the last foregoing paragraph, "service" means service in a non-participating employment which is reckonable by an officer for the purpose of calculating the amount of any benefit payable to him, except any earlier period of such service in respect of which—

(*a*) a payment in lieu of contributions has been made; or

(*b*) equivalent pension benefits satisfying the requirements of Part III of the Act of 1966 have already been assured to the officer.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 1st day of December 1966.

(L.S.)

*C. D. Hoey,*
Senior Assistant Secretary.

## EXPLANATORY NOTE

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

These regulations consolidate with minor amendments the six regulations listed in regulation 3. The regulations provide for the modification of con-

(a) S.R. & O. (N.I.) 1960, No. 22 as amended by S.R. & O. (N.I.) 1961, No. 241; 1963, No. 71 and 1965, No. 11.
(b) S.R. & O. (N.I.) 1960, No. 85.

tributions and benefits under the Northern Ireland Local Government Officers' Superannuation Scheme in connection with the making of graduated contributions and the payment of graduated benefit under the National Insurance Act (Northern Ireland) 1966. Provision has also been made that for such modification no account shall be taken of the additional contributions and benefits payable in consequence of the National Insurance (No. 2) Act (Northern Ireland) 1966.

Part I of the regulations contains definitions of words and expressions used and provides that the Regulations under section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950 (under which the Scheme was established) are to be modified in accordance with the succeeding provisions of the regulations.

Part II of the regulations provides that superannuation contributions payable under the Scheme are to be reduced during periods of participating employment for the purposes of the National Insurance Act (Northern Ireland) 1966. The method of reduction takes account of any reduction already required to be made in connection with flat-rate contributions under the National Insurance Act (Northern Ireland) 1966 and provides for a single consolidated reduction. A corresponding reduction is made in any additional contributory payments, payments for added years or transfer value payable in respect of a period for which reduced contributions have been paid.

Under Part III of the Regulations, pensions payable under the Scheme are reduced where any service reckonable for the pension also qualifies the employee for graduated retirement benefit under the National Insurance Act (Northern Ireland) 1966 but not such additional benefit earned in consequence of the National Insurance (No. 2) Act (Northern Ireland) 1966. Here again any reduction required to be made in connection with the payment of flat-rate benefit under the National Insurance Act (Northern Ireland) 1966 is consolidated. Lump sum benefits under the Scheme in respect of non-participating employment are reduced to take account of payments in lieu of contributions which an employer is required to make under the National Insurance Act (Northern Ireland) 1966 on the termination of non-participating employment. Where the previous service of an employee in employment outside the Local Government Service has become reckonable under the Scheme, the pension attributable to that service will be reduced in the same way as it would have been reduced in the previous employment.

Part IV of the regulations provides that the Ministry of Development is to act instead of the Local Government employing authority in deciding whether persons who are subject to the Scheme should not participate in the scheme of graduated retirement benefits provided for in the National Insurance Act (Northern Ireland) 1966.

Part V of the regulations—

(i) limits the right to surrender, or commute a pension in certain cases,

(ii) limits the effect of certain provisions for the reduction, termination or suspension of a pension.

These amendments are needed to ensure that pension benefits under the Northern Ireland Local Government Officers' Superannuation Scheme are not less favourable than graduated benefits under the National Insurance Act (Northern Ireland) 1966 and so permit Local Government employees to continue to be contracted out of the scheme under that Act.

Part IV of the regulations also applies to the Belfast Corporation,