1989 No. 345

LOCAL GOVERNMENT

Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1989

Made	*21st August 1989*
Coming into operation . .	*1st October 1989*

The Department of the Environment, in exercise of the powers conferred by Articles 9(1) and 14(1) of the Superannuation (Northern Ireland) Order 1972(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf and after consultation with the Association of Local Authorities for Northern Ireland, the district councils, the Northern Ireland Local Government Officers' Superannuation Committee and such representatives of other persons likely to be affected by the regulations as appear to it to be appropriate, hereby makes the following regulations:

Citation, commencement and retrospection

1.—(1) These regulations may be cited as the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 1st October 1989 and, except as provided in paragraphs (2) and (3), shall have effect from that date.

(2) Regulation 6 shall have effect from 17th May 1989.

(3) Regulations 10, 11 and 14 shall have effect from 1st December 1984.

(4) The Local Government (Superannuation) Regulations (Northern Ireland) 1981 to 1986(**c**) and these regulations may be cited together as the Local Government (Superannuation) Regulations (Northern Ireland) 1981 to 1989.

Interpretation

2. In these regulations "the principal regulations" means the Local Government (Superannuation) Regulations (Northern Ireland) 1981(**d**).

Definitions in principal regulations

3. Regulation 2(1) of the principal regulations is amended by inserting after the definition of "contracted-out employment" the following definitions:

(a) S.I. 1972/1073 (N.I. 10)
(b) S.R. & O. (N.I.) 1973 No. 504 Article 7(1); S.I. 1976/424 (N.I. 6) Article 3(1)
(c) S.R. 1981 No. 96, S.R. 1982 No. 58, S.R. 1984 No. 175, S.R. 1984 No. 355, S.R. 1985 No. 315 and S.R. 1986 No. 294
(d) S.R. 1981 No. 96 relevant amending regulations are S.R. 1982 No. 58, S.R. 1984 No. 355, S.R. 1985 No. 315 and S.R. 1986 No. 294

" "contractural hours" means the number of hours the employing authority is entitled to require the employee to work in each of the contractual weeks, but where there is any cyclical variation in those hours the contractual hours are the average of those hours over the cycle;

"contractual weeks" means the number of weeks in every period of 12 months for which (assuming that there will be no unpaid leave of absence) wages or salary is payable to the employee;".

Application

4. Regulation 11 of the principal regulations is amended—

(*a*) in paragraph (1)(*b*) by substituting for the words "sub-paragraph (*e*)" the words "sub-paragraphs (*e*) or (*f*)";

(*b*) in paragraph (1)(*c*) by substituting for the words "schedule 2" the words "Part I of schedule 2";

(*c*) by deleting the word "and" between paragraphs (1)(*d*) and (*e*);

(*d*) by inserting after paragraph (1)(*e*) the following sub-paragraphs:

"(*f*) every part-time officer who satisfies the requirements of paragraph 1(1) of Part II of schedule 2; and

(*g*) every officer as is mentioned in paragraph 5(2) of Part II of schedule 2;" and

(*e*) by inserting after paragraph (2) the following paragraph:

"(2A) A person who falls within paragraph (2)(*e*) but who would otherwise be an officer by virtue of paragraph (1)(*b*) may at any time, by notice in writing given to the authority by whom he is employed, elect to become an officer from the day after the date to which the next payment of wages or salary will be calculated.".

Admission of other persons to participation in superannuation benefits

5. Regulation 13 of the principal regulations is amended by adding after paragraph (6) the following paragraphs—

"(7) Subject to paragraph (8) any agreement under this regulation made before 1st October 1989 which made provision for any part-time officers to be admitted to participate in the benefits provided by these regulations is to be treated as having been varied on 1st October 1989 so as to comply with paragraph (9).

(8) Paragraph (7) does not affect the position of any person who was admitted under any agreement made before 1st October 1989.

(9) An agreement made under this regulation may not provide for the admission of any part-time employee otherwise than as provided in Part II of schedule 2.".

Treatment of certain additional functions performed by clerks of district councils

6. The principal regulations are amended by inserting after regulation 14(2A) the following paragraph—

"(2B) For the purposes of these regulations a clerk of a district council who performs functions under Article 9(2) (conduct of elections) of the Electoral Law (Northern Ireland) Order 1972(**a**) shall in relation to those functions be treated as if he were employed by that council and any remuneration paid to him in connection with those functions shall be treated as remuneration paid to him by that council.".

Contributions

7. Regulation 14 of the principal regulations is amended by inserting after paragraph (10) the following paragraph—

"(11) For the purposes of this regulation the remuneration of a part-time officer for any period, except a period during which he was on leave of absence from duty by reason of illness or injury with reduced remuneration or without remuneration, is to be taken to be the remuneration he would have received if during that period he had worked no more and no less than the contractual hours.".

Method of calculating service, contributing service and non-contributing service

8. Regulation 40 of the principal regulations is amended by adding after paragraph (3) the following paragraphs—

"(4) A person who—

(*a*) has become an officer by virtue of an election under paragraph 1(1) of Part II of schedule 2 made before 1st October 1990 or by virtue of paragraph 4 of that Part, or

(*b*) has become an officer in a whole-time employment at any time after 31st March 1974 and before 1st October 1990 and had previously been in a part-time employment under an employing authority,

is entitled to reckon as service in relation to the employment in which he is an officer, any previous period of employment under an employing authority after the material date, except a period which was followed by one of 12 months or more during which he was not employed by an employing authority.

(5) In paragraph (4)—

(*a*) service means service for determining whether any benefit is payable to or in respect of the officer under these regulations; and

(*b*) the material date is the earliest date from which, if Part II of schedule 2 had come into force on 1st April 1974, an election or, as the case may be, an election deemed to have been made by him could have had effect.

(6) For the purpose of calculating the amount of any benefit, a period of part-time service under an employing authority shall be treated as though it had been whole-time service for a proportionately reduced period.

(**a**) S.I. 1972/1264 (N.I. 13)

(7) For the purpose of calculating the amount of any benefit, service during any period which became reckonable as contributing service by virtue of paragraph 5(2)(*a*), or an election under paragraph 5(2)(*b*), of Part II of schedule 2 (whole-time employment in which the contractual weeks are fewer than 45) shall be multiplied by $^{52}/C$ where C is the number of contractual weeks.''.

Added years in certain cases

9. Regulation 43 of the principal regulations is amended by inserting after paragraph (3) the following paragraph—

''(3A) In the case of an employee who is a part-time officer by virtue of an election under Part II of schedule 2 and in respect of whom a consent has been given under paragraph (1) after 30th September 1989 the remuneration referred to in paragraph (3)(*a*) shall be construed as remuneration which would have been paid for a single comparable whole-time employment.''.

Notice of election as to war service

10. In regulation 100(2)(*b*) of the principal regulations the words ''(or for any reduced percentage substituted under paragraph (7))'' shall be omitted.

Contributing service and benefits

11. Regulation 101 of the principal regulations is amended—

(*a*) in paragraph (2)(*b*) by inserting after the word ''before'' the words ''1st December 1984''; and

(*b*) in paragraph (8) by inserting after the word ''death'' on the 7th line the word ''benefit''.

Application

12. Schedule 2 to the principal regulations is amended—

(*a*) by substituting for the words ''Regulation 11(1)(*c*)'' and ''Whole-time officers employed in a manual capacity'' the following words—

''**Requirements to be satisfied by whole-time officers employed in a manual capacity, officers in a qualifying part-time employment and officers in any whole-time employment in which the contractual weeks are fewer than 45.**

PART I Regulation 11(1)(*c*)

WHOLE-TIME OFFICERS EMPLOYED IN A MANUAL CAPACITY''; and

(*b*) by inserting after Part I the following words—

''PART II Regulations 11(1)(*f*) and (*g*), 13(9), 40(4)(*a*), (5) and (7)

PERSONS EMPLOYED IN QUALIFYING PART-TIME EMPLOYMENT OR ANY WHOLE-TIME EMPLOYMENT IN WHICH THE CONTRACTUAL WEEKS ARE FEWER THAN 45