1985 No. 315

LOCAL GOVERNMENT

Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1985

Made . . . . . *7th November 1985*

Coming into operation . . . *12th December 1985*

The Department of the Environment in exercise of the powers conferred by Articles 9 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 appeared 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) 1985 and shall come into operation on 12th December 1985 and have effect from that date with the exception of regulation 4 which shall have effect as from 1st April 1984, regulation 13 which shall have effect as from 2nd April 1985 and regulations 16(*a*) and 17 which shall have effect as from 1st December 1984.

(2) The Local Government (Superannuation) Regulations (Northern Ireland) 1981 to 1984(**c**) and these regulations may be cited together as the Local Government (Superannuation) Regulations (Northern Ireland) 1981 to 1985.

Interpretation

2. In these regulations "the principal regulations" means the Local Government (Superannuation) Regulations (Northern Ireland) 1981(**d**) and other words and expressions have the same meaning as in the principal regulations.

Definitions in principal regulations

3. Regulation 2(1) of the principal regulations is amended—

(*a*) by inserting after the definition of "public body" the following definition: " "public service scheme" has the meaning given by regulation 96;"; and

(*b*) by inserting after the definition of "war service" the following definition: " "war service provisions" has the meaning given by regulation 96;".

(**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)
(**c**) S.R. 1981 No. 96, S.R. 1982 No. 58, S.R. 1984 No. 175 and S.R. 1984 No. 355
(**d**) S.R. 1981 No. 96 as amended by S.R. 1984 No. 355

Contributions

4. The principal regulations shall be amended by inserting after regulation 14(2) the following paragraph:—

"(2A) For the purposes of paragraph (1), any reduction in remuneration by reason of the actual or assumed enjoyment by the employee during any period of absence from duty of any statutory entitlement shall be disregarded.".

Limitation on service reckonable at age 60

5. Regulation 36(3) of the principal regulations is amended by omitting the words "or (*b*)".

Reduction of added years reckonable on payment as contributing service

6. Regulation 43A of the principal regulations is amended—

(*a*) by substituting for the words "1st December 1984" in paragraph (1)(*c*), the words "the relevant date"; and

(*b*) by inserting after paragraph (1) the following:

"(1A) For the purposes of paragraph (1)(*c*) the relevant date—

(*a*) where regulation 98(2)(*d*) applies, is 12th December 1985, and

(*b*) in any other case, is 1st December 1984.".

Additional transfer value on outwards transfer in certain cases

7. The principal regulations are amended by inserting after regulation 65 the following:

"*Additional transfer value on outwards transfer in certain cases*

65A.—(1) Notwithstanding regulation 65(5)(*f*), where after 31st March 1978 there has been paid in respect of a person to whom regulation 98 applies a transfer value in the calculation of which the period that he became entitled by regulation 101(1)(*a*) to reckon as contributing service was not taken into account, an additional transfer value shall be paid in respect of that period.

(2) Notwithstanding regulation 65(5)(*f*), where a transfer value has been paid before 1st April 1978 in respect of a person in relation to whom one of the conditions in regulation 98(2)(*a*) to (*c*) is satisfied and the conditions in regulation 98(4) to (8) were satisfied at the time of payment, an additional transfer value shall be paid if the conditions in paragraph (3) are satisfied.

(3) The conditions are that the scheme managers of a public service scheme not specified in Schedule 20:—

(*a*) have made a written request to the Committee for the additional transfer value to be paid,

(*b*) have given them particulars of the service (being such a whole-time service as is described in regulation 97(1)) to which it is to relate, and the rate or amount, as the case may be, to be used in ascertaining C of the formula set out in Part II of Schedule 14, and

(*c*) have certified that on payment of the additional transfer value the person will be entitled to reckon extra service for the purposes of the scheme,

but an additional transfer value shall not be paid in the case of an officer who transferred to a government department on 1st October 1973 under an order made under section 134 or 135 of the Local Government Act (Northern Ireland) 1972(**a**) or any other transferred provision.".

(**a**) 1972 c. 9 (N.I.)

Amount of transfer value, etc.

8. Regulation 66 of the principal regulations is amended—

(*a*) in paragraph (1)—

(i) by inserting after the words "regulation 65" the words "and of any additional transfer value payable under regulation 65A(1)"; and

(ii) by substituting for the words "Schedule 14" the words "Part I of Schedule 14";

(*b*) by inserting after paragraph (1) the following:

"(1A) The amount of any additional transfer value payable under regulation 65A(2) shall be calculated in accordance with Part II of Schedule 14"; and

(*c*) by inserting in paragraphs (2) and (3) after the words "transfer value" the words "or additional transfer value".

Termination of right of payment from the fund

9. Regulation 67 of the principal regulations is amended by substituting for the words "regulation 65" the words "regulation 65 or 65A".

Compound interest on certain sums

10. Regulation 68 of the principal regulations is amended by substituting for the words "paragraph 1(2) of Schedule 14" the words "Parts I (paragraph 1(2)) and II of Schedule 14".

Inward transfers

11. Regulation 69 of the principal regulations is amended—

(*a*) by substituting in paragraph (1) for the words "paragraph (4)" the words "paragraphs (3) and (4)";

(*b*) by substituting for paragraph (2)(*a*) the following:

"(*a*) except where the transfer value is offered as mentioned in paragraph (3)(*a*) and is in respect of such a period as is mentioned in paragraph (3)(*b*), or relates only to service reckonable under the war service provisions of a public service scheme he has, within six months of the date on which he became employed under an employing authority, made a request to the Committee, or within such longer period as the Committee may allow, for the transfer value to be accepted;"

(*c*) by deleting paragraph (2)(*b*); and

(*d*) by substituting for paragraph (3) the following:

"(3) A transfer value which—

(*a*) is offered by the scheme managers of a public service scheme in relation to a person in relation to whom a transfer value was accepted and received before 1st April 1978, and

(*b*) is in respect of a period which could if he had not ceased to be employed in his non-local government employment have become reckonable under the war service provisions of the scheme,

shall not be accepted unless it is one calculated in accordance with Part II of Schedule 14.".

Right to reckon service

12. Regulation 70(1) of the principal regulations is amended by substituting for the words "has been accepted in respect of a person under regulation 65 —" the

words ''(other than one to which regulation 69(3) applies) has been accepted in respect of a person under regulation 69 — ''.

Payment without formal proof of title in certain cases

13. Regulation 76 of the principal regulations is amended by substituting ''£5,000'' for ''£1,500''.

Interpretation, etc.

14. Regulation 96 of the principal regulations is amended—

(*a*) by substituting for the words ''an occupational pension scheme'' in the definition of ''public service scheme'', the words ''the Universities' Superannuation Scheme and any occupational pension scheme''; and

(*b*) by inserting after the definition of ''public service scheme'' the following definition:

'' ''war service provisions'', in relation to a public service scheme, means provisions of the kind specified in paragraph (*b*) of the definition of the latter expression;''.

War service

15. Regulation 97(2) of the principal regulations is amended by inserting in sub-paragraph (*d*) after the words ''occupational pension scheme'' the words ''; but in the case of a person to whom regulation 98(2)(*d*) applies ''benefit'' does not include a benefit under the war service provisions of a public service scheme''.

Election as to war service

16. Regulation 98 of the principal regulations is amended—

(*a*) by substituting for paragraph (2)(*c*) the following:

''(*c*) he successfully completed before 1st July 1950, or was on 30th June 1950 undergoing and later successfully completed:

(i) a course of training for the Royal Sanitary Institute's Certificate in Public Health Inspection, or

(ii) a course of training leading to the issue by the Institute of Municipal Engineers of a testamur of general proficiency, or

(iii) a course of training leading to the award of a diploma qualifying the holder for an appointment to the staff of occupational centres for, and of educational departments of institutions for, mental defectives,'';

and not later than 6 months after completing the course of training he became entitled as mentioned in sub-paragraph (*a*) or, as the case may be, a period began which was reckonable, or falls to have been reckonable, as mentioned in sub-paragraph (*b*), or

(*d*) none of the foregoing is the case, but a transfer value was accepted and received in relation to him by the Committee or the former Belfast Corporation before 1st April 1978 and a scheme is designated under regulation 100(2)(*aa*).'';

(*b*) by inserting in paragraph (4) after the words ''paragraph (2)(*c*)'' the words ''or (*d*)'';

(*c*) by insertion after paragraph (5) the following:

''(5A) Where paragraph (2)(*d*) is the case, paragraph (4) applies with the substitution for the date specified in paragraph (9) of the date (being a date later than 30th June 1950) on which he last became entitled as mentioned in paragraph (2)(*a*).''; and

(*d*) by inserting after paragraph (8) the following:

"(8A) Where paragraph (2)(*d*) applies and the scheme specified under regulation 100(2)(*aa*) is not a scheme specified in Schedule 20, war service is for the purposes of paragraph (1) to be assumed.".

Modified application of regulation 98 in certain cases

17. Regulation 99 of the principal regulations is amended:—

(*a*) by deleting paragraphs (1) and (2)(*a*); and

(*b*) by substituting for the words "public service scheme" in paragraph (2)(*b*), the words "occupational pension scheme".

Notice of election

18. Regulation 100 of the principal regulations is amended—

(*a*) by inserting in paragraph (2)(*a*) after the word "relates" the words "and his past membership of any scheme designated under sub-paragraph (*aa*)"; and

(*b*) by inserting after paragraph (2)(*a*) the following:

"(*aa*) is to designate in the notice the scheme, if any, which he believes complies with regulation 101(1B), and".

Transmission of documents and information

19. The principal regulations are amended by inserting after regulation 100 the following regulation:

"*Transmission of documents and information*

100A.—(1) If the Committee decide or the county court determines under regulation 83, that the conditions specified in regulation 98(2) to (8) are satisfied in relation to a person, and regulation 98(2)(*d*) applies and the scheme designated under regulation 100(2)(*aa*) is not a scheme specified in Schedule 20, the Committee shall as soon as is reasonably practicable—

(*a*) inform the scheme managers of the designated scheme that on receipt by the Committee of a transfer value calculated in accordance with Part II of Schedule 14, regulation 101 (contributing service and benefits in respect of war service) would apply to the person, and

(*b*) inform them of the rate or amount, as the case may be, to be used in ascertaining C of the formula set out in that Part.".

Contributing service and benefits

20. Regulation 101 of the principal regulations is amended—

(*a*) by substituting in paragraph (1) for the words "paragraphs (2)" the words "paragraphs (1A) to (2)"; and

(*b*) by inserting after paragraph (1) the following:

"(1A) Where regulation 98(2)(*d*) applies and the scheme designated under regulation 100(2)(*aa*) ("the designated scheme") is a scheme specified in Schedule 20, paragraph (1) applies only if that scheme complies with paragraph (1B).

(1B) A scheme complies with this paragraph if—

(*a*) it is the first public service scheme the war service provisions of which could have become applicable to the person if he had remained a member of it, and

(*b*) he is, or in the case of a deceased officer, was immediately before he died—