1984 No. 355

LOCAL GOVERNMENT

Local Government (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland) 1984

Made	*12th October 1984*
Coming into operation . . .	*1st December 1984*

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 of Northern Ireland, 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) (No. 2) Regulations (Northern Ireland) 1984 and shall come into operation on 1st December 1984 and have effect from that date with the exception of regulations 4(*a*) and (*b*) and 5, 7 and 8 which shall have effect as from 1st May 1981 and regulation 14 which shall have effect as stated in regulation 93 of the principal regulations.

(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 1984.

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.

Revocation

3. Regulation 21 of the principal regulations is revoked except in relation to any person who became entitled to an allowance under it before 1st December 1984.

Definitions in principal regulations

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

(*a*) by substituting for the definition of "associated body" the following definition:

" "associated body" means—

(i) a body any of whose employees are admitted under regulation 13 to participate in the benefits of the fund;

(**a**) S.I. 1972/1073 (N.I. 10)
(**b**) S.R. & O. 1973 No. 504 Article 7(1); S.I. 1976/424 (N.I. 6)
(**c**) S.R. 1981 No. 96, S.R. 1982 No. 58 and S.R. 1984 No. 175
(**d**) S.R. 1981 No. 96 to which there are amendments not relevant to these regulations

(ii) a body designated under the Local Government (Superannuation) Act (Northern Ireland) 1950(**a**);

(iii) a body in respect of any of whose employees an agreement was made under regulation 3 of, or was so deemed to have been made under regulations 4 and 5 of and Schedule 2 to, the Local Government (Superannuation) (Prescribed Persons) Regulations (Northern Ireland) 1975(**b**) and continued in force by regulation 13(6);'';

(*b*) by substituting for the definition of ''eligible child'' the following definition:

'' ''eligible child'' means—

(*a*) Where a person has become entitled to a pension whether or not he has become entitled to receive payments in respect of that pension—

(i) a legitimate child of a marriage of that person which took place before the date on which that person became entitled to the pension, born before the expiration of one year after the date on which that person became entitled to that pension;

(ii) an adopted child of that person, adopted before that person became entitled to the pension; or

(iii) a step-child or illegitimate child of that person, an adopted child of the wife of a marriage of that person which took place before that person became entitled to the pension or a child accepted by that person as a member of the family, being a child wholly or mainly dependent on that person both before he becomes entitled to that pension and at the time of his death;

(*b*) where a person dies in an employment in which he is an officer:—

(i) a legitimate child of that person, born before the expiration of one year after the date of the death of that person;

(ii) an adopted child of that person; or

(iii) a step-child or illegitimate child of that person, an adopted child of the wife of a marriage of that person or a child accepted by that person as a member of the family, being a child wholly or mainly dependent on that person at the time of his death;''; and

(*c*) by inserting in the definition of ''war service'' after the words ''any person'', the words ''except in Part XI where it is to be construed in accordance with regulation 97''.

Admission of other persons to participation in superannuation benefits

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

''(6) Any agreement under regulation 3 of, or which was deemed to have been made under regulations 4 and 5 of and Schedule 2 to, the Local Government (Superannuation) (Prescribed Persons) Regulations (Northern Ireland) 1975(**b**) and was in force immediately before 1st May 1981 shall continue in force as if it were an agreement made under this regulation notwithstanding the revocation of those regulations by regulation 84.''.

Payments by officer to avoid reduction of retiring allowance and death gratuity

6.—(1) Regulation 15 of the principal regulations is amended by inserting the following paragraph:

(**a**) 1950 c. 10 (N.I.)
(**b**) S.R. 1975 No. 347

"(4A) Where an election is made under regulation 102 any resulting increase in any payment mentioned in paragraphs (3) or (4) is payable from the date which is for the purposes of Schedule 3 the date of the election under the paragraph in question and any resulting increase in any payment mentioned in paragraph (2) shall, unless the Committee allow a longer period, be paid within one month after the notification of the determination or consent or, as the case may be, the date of the election under regulation 102.".

(2) Where an election is made under regulation 102, any resulting increase in any payment mentioned in regulation 8A(3) or (4) of the 1962 regulations is payable from the date which is for the purposes of the Fourteenth Schedule to those regulations the date of the election under the paragraph in question and any resulting increase in any payment mentioned in paragraph (2) of that regulation shall, unless the Committee allow a longer period, be paid within one month after the notification of the determination or consent or, as the case may be, the date of the election under regulation 102.

Amount of retiring allowance

7. Regulation 20 of the principal regulations is amended by inserting the following paragraph:

"(3A) No reduction shall be made under proviso (*b*) to paragraph (2) in the case of a female pensionable employee participating as provided in regulation 28 in the benefits provided by these regulations who has not given any notification under regulation 28.".

Pensions of widowers, etc.

8. The following regulation shall be substituted for regulation 28 of the principal regulations—

"*Pensions of widowers, etc.*

28. A female officer who either—

(*a*) has a husband who is permanently incapacitated by reason of ill-health or infirmity of mind or body and who is wholly or mainly dependent on her, and notifies the Committee in writing that she wishes to have the provisions of this regulation applied to her, or

(*b*) has no husband but has an eligible child or eligible children,

shall participate in the benefits provided by these regulations as if reference in this Part to a male officer or male person included a reference to her and as if any reference to the wife or widow of such a person included a reference to her husband or her widower:

Provided that if, after this regulation has become applicable to her, she marries or re-marries, the subsequent marriage and:—

(i) the legitimate children of the subsequent marriage;

(ii) any adopted child of hers, adopted after re-marriage;

(iii) any legitimate child of hers, born after the expiration of one year after the date of the death of her husband at the time of the notification under paragraph (*a*);

(iv) any step-child of hers, being a child of an earlier marriage of her husband by the subsequent marriage; and

(v) any adopted child of her husband by the subsequent marriage,

shall be left out of account for all purposes of this Part unless her husband by the subsequent marriage is permanently incapacitated by reason of ill-health or infirmity of mind or body and wholly or mainly dependent on her and she gives a notification, or as the case may be a further notification, under paragraph (*a*).".

Limitation on service reckonable at age 60

9. Regulation 36 of the principal regulations is amended by adding the following paragraph:

"(3) For the purposes of paragraph (1), a period which a person is entitled to reckon as contributing service by virtue of regulation 101(1)(*a*) shall be treated as contributing service before attaining the age of 60 years.".

Reckoning of contributing service

10. Regulation 39(1) of the principal regulations is amended by inserting in sub-paragraph (*e*) after the words "by virtue of", the words "Part XI (war service) or".

Reduction of added years reckonable on payment as contributing service

11. The principal regulations are amended by inserting after regulation 43 the following regulation:

"*Reduction of added years reckonable on payment as contributing service*

43A.—(1) This regulation applies where—

(*a*) a consent—

(i) has been given under regulation 43, or

(ii) was given under the corresponding provision of the previous regulations,

(*b*) the person in respect of whom the consent was given is a person in relation to whom regulation 98 applies,

(*c*) the notice of election under regulation 98 was given within the period of six months beginning on 1st December 1984, or in the case of a deceased person (within the meaning of Part XI) who died during that period, within the period of twelve months beginning on the date of his death, and

(*d*) apart from this regulation some of the person's contributing service would, or would if payments under regulation 43 were to continue up to the age specified in regulation 43(3)(*a*) or (*b*), be left out of account in accordance with regulation 36 or would exceed 45 years.

(2) Where this regulation applies the consent shall be deemed always to have related not to the original number of added years but instead to the longest additional period that would not entail any such leaving out of account of contributing service as is mentioned in paragraph (1)(*d*) or would not entail total contributing service exceeding 45 years; and payments made and any remaining to be made are to be adjusted accordingly.".

Reduction of pension

12. Regulation 53 of the principal regulations is amended by inserting after paragraph (1) the following paragraph:

"(1A) A person in relation to whom regulation 98 applies shall not on that account be treated for the purposes of this regulation as having paid reduced contributions in relation to any service.".

Determination of questions

13. Regulation 83 of the principal regulations is amended by inserting after the words "officer or person" the words "or the rights of any other person under Part XI".

Injury allowances, etc., and war service

14. The principal regulations are amended by inserting after Part IX the following Parts—

"PART X

INJURY ALLOWANCES ETC.

Interpretation

85. In this Part—

"benefits" means any allowance or lump sum payable under this Part;

"relevant body" has the meaning given by regulation 91: and

"relevant employment" has the meaning given by regulation 86(2).

Persons to whom Part X applies

86.—(1) Subject to paragraph (4) this Part applies to a person employed in a relevant employment if he—

(*a*) sustains an injury, or

(*b*) contracts a disease,

as a result of anything he was required to do in carrying out his work.

(2) Relevant employment is employment, otherwise than as any fire officer or fireman such as is referred to in the Fire Services Act (Northern Ireland) 1969(a) or as an employee pensionable under the superannuation scheme provided in regulations for the time being in force under Article 11 of the Order or as an employee of Citybus Limited or Ulsterbus Limited—

(*a*) with a body specified in Schedule 18; or

(*b*) as an officer with any associated body not specified in Schedule 18.

(3) A person is to be treated for the purposes of paragraph (1) as having sustained an injury as mentioned in that paragraph if—

(*a*) he sustains the injury while travelling as a passenger by a vehicle with the express or implied permission of his employer to or from his place of work; and

(*b*) at the time of the injury the vehicle was being operated, otherwise than in the course of a public transport service, by or on behalf of his employer or pursuant to arrangements made by his employer.

Loss of employment through permanent incapacity

87.—(1) If as a result of an incapacity which is likely to be permanent caused by the injury or disease a person to whom this Part applies ceases to be employed in a relevant employment (whether or not it is the same employment as that in which the injury or disease was sustained or contracted), he shall be entitled to an annual allowance.

(2) The allowance is to be paid by the relevant body and is to be of such amount as the body may from time to time determine.

(3) The relevant body may suspend or discontinue the allowance if the person becomes capable of working again.

(4) The allowance is not to be paid at a rate which exceeds 85 per cent of the person's annual rate of remuneration in respect of the employment when he ceased to be employed.

(a) 1969 c. 13 (N.I.) to which there are amendments not relevant to these regulations