1982 No. 58

LOCAL GOVERNMENT

Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1982

Made	*3rd March 1982*
Coming into operation . . .	*1st April 1982*

The Department of the Environment in exercise of the powers conferred by Articles 9 and 14 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 interpretation

1.—(1) These regulations may be cited as the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on and have effect from 1st April 1982 except for regulations 4, 6, 9 and 10 which shall have effect as from 1st May 1981.

(2) These regulations and the Local Government (Superannuation) Regulations (Northern Ireland) 1981(**c**) may be cited together as the Local Government (Superannuation) Regulations (Northern Ireland) 1981 to 1982.

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

Actuary's certificates

2. After regulation 9(3) of the principal regulations there shall be added the following paragraph—

"(4) If:—

(*a*) the rate specified under paragraph (1)(*a*) for the first year of a period to which a certificate under this regulation ("the new certificate") relates ("the new rate") is less than the rate so specified for the last year of the period ("the preceding period") to which a preceding certificate under this regulation ("the old certificate") relates ("the old rate"); and

(*b*) the new certificate is obtained more than 6 months before the end of the preceding period;

the old certificate shall, if the actuary and the Committee so agree, have effect for the last year of the preceding period with the substitution of the new rate for the old rate.".

(**a**) S.I. 1972/1073 (N.I. 10)

(**b**) S.R. & O. (N.I.) 1973 No. 504 Article 7(1); Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1); S.I. 1976/424 (N.I. 6)

(**c**) S.R. 1981 No. 96

Return of contributions

3. After regulation 16(10)(*c*) of the principal regulations there shall be added the following sub-paragraph—

"or

(*d*) to a person who is for the time being entitled to be paid, or has been paid, an ill-health retirement grant under regulation 28A.".

Death gratuity

4. Regulation 23 of the principal regulations shall be amended as follows—

(*a*) in paragraph (5) the words "retiring allowance or injury allowance" and the words "or injury allowance" in the second place where they occur are hereby revoked;

(*b*) in paragraph (6)—

(i) the words "retiring allowance, injury allowance or short service gratuity under these regulations or under the previous regulations" and the words "or injury allowance" where they last occur, are hereby revoked;

(ii) for the words "pension, retiring allowance or injury allowance" there shall be substituted the words "pension and retiring allowance".

Ill-health retirement grant

5. After regulation 28 of the principal regulations there shall be inserted the following regulation—

"*Ill-health retirement grant*

28A—(1) This regulation applies to a person—

(*a*) who has at any time since 8th December 1980 ceased to hold his employment under an employing authority;

(*b*) who when he ceased to hold that employment—

(i) had completed an aggregate of one or more but less than 5 years' service; and

(ii) was incapable of discharging efficiently the duties of that employment by reason of permanent ill-health or infirmity of mind or body;

(*c*) who did not cease to hold that employment in consequence of any such offence or misconduct as are mentioned in regulation 16(8);

(*d*) who is not apart from this regulation entitled, whether by virtue of his having or not having made any election or otherwise, to any payment out of the fund other than an injury allowance or a return of contributions and has not received any return of contributions; and

(*e*) who if a return of contributions (increased under regulation 71 where that regulation applies) were made to him would receive a net amount smaller than that of a grant calculated in accordance with paragraph (2).

(2) A person to whom paragraph (1) applies is entitled to be paid a grant ("an ill-health retirement grant") of an amount equal to—

(*a*) 1/12th of his average remuneration multiplied by the length in years of his contributing service; or

(*b*) 3/80ths of his average remuneration multiplied by the length in years of the total period he would have been entitled to reckon as contributing service if—

(i) he had remained an officer without any break in service until he had attained the age of 65 years; and

(ii) any payments in respect of added years or additional periods had been completed,

whichever is the lesser amount.

(3) A person—

(*a*) who has received before 1st April 1982 a return of contributions; and

(*b*) to whom paragraph (1) would otherwise have applied;

is, if he repays to the Committee an amount equal to the net amount he received when the return of contributions (as increased under regulation 71 where that regulation applies) was made, entitled to be paid an ill-health retirement grant of the amount specified in paragraph (2).

(4) Paragraph (5) applies—

(*a*) to a person falling within paragraph (1)(*a*) to (*c*) who—

(i) has ceased to hold his employment after 31st March 1982; or

(ii) has ceased to hold his employment before 1st April 1982 but on 1st April 1982 had not made any election that he was entitled to make under regulation 16; and

(*b*) to a person falling within paragraph (3).

(5) Where this paragraph applies to a person the Committee shall notify him in writing, as soon as is reasonably practicable, of the amount of the ill-health retirement grant to which he would be entitled if he—

(*a*) remained or became a person to whom paragraph (1) applies; or

(*b*) paid the amount specified in paragraph (3).''.

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

6. Regulation 40 of the principal regulations shall be amended as follows—

(*a*) in paragraph (1) for the words ''regulations 47 and 50 apply'' there shall be substituted the words ''regulation 47 applies''; and

(*b*) in paragraph (2) the words ''or 50'' are hereby revoked.

Further provision as to average remuneration

7. After regulation 41 of the principal regulations there shall be inserted the following regulation—

''*Further provision as to average remuneration*

41A—(1) This regulation applies to a person who has at any time after 31st March 1978 ceased to hold an employment under an employing authority and who is affected by a staging agreement.

(2) A person who has ceased to hold an employment as mentioned in paragraph (1) is affected by a staging agreement if—

(*a*) there has been an agreement or award—

(i) which, whether before or after he ceased to hold his employment, gave rise to rights enforceable by every member of a class or description of employees to which he belonged at a material time;

(ii) which, whether or not it entitled him to any interim increase, entitled him, or would if he had not ceased to hold his employment have entitled him, in that employment to the payment of remuneration from a specified date at an increased rate (''the final rate'') which was either specified in or to be determined by a method or in a manner specified in the agreement or award; and