1979 No. 56

LOCAL GOVERNMENT

Local Government (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland) 1979

Made . . . . . *2nd March* 1979

Coming into operation . . . *30th March* 1979

The Department of the Environment in exercise of powers conferred by Articles 9 and 14 of the Superannuation (Northern Ireland) Order 1972(**a**), and now vested in it(**b**), and of all other powers 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. These regulations may be cited as the Local Government (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland) 1979, and shall come into operation on 30th March 1979 and shall have effect as from that date with the exception of regulations 7 and 11 which shall have effect as from 26th July 1976.

Interpretation

2. In these regulations—

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

"contributions equivalent premium" has the meaning assigned to that expression by article 44(1) of the Social Security Pensions (Northern Ireland) Order 1975(**c**);

"employing authority" means a local authority as defined in Article 2(2) of the Order or a designated body as defined in regulation 6 of the Local Government (Superannuation) (Prescribed Persons) Regulations (Northern Ireland) 1975(**d**);

"the Order" means the Superannuation (Northern Ireland) Order 1972;

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

(a) S.I. 1972/1073 (N.I. 10)
(b) S.R. & O. (N.I.) 1973 No. 504 art. 7(1) (II, p. 2992); 1973 c. 36 Sch. 5 para. 8(1) and S.I. 1976/424 (N.I. 6)
(c) S.I. 1975/1503 (N.I. 15)
(d) S.R. 1975 No. 347 (II, p. 1695)
(e) S.R. & O. (N.I.) 1962 No. 210 (p. 793) as amended by the following relevant regulations—S.R. & O. (N.I.) 1966 No. 274 (p. 871); S.R. & O. (N.I.) 1968 No. 153 (p. 588); S.R. & O. (N.I.) 1971 No. 108 (p. 539); S.R. & O. (N.I.) 1973 No. 216 (I, p. 1108); S.R. & O. (N.I.) 1973 No. 242 (I, p. 1207); S.R. 1974 No. 72 (I, p. 211); S.R. 1975 No. 187 (II, p.984); S.R. 1975 No. 347 (II, p. 1695); S.R. 1977 No. 205 (II, p. 1159); S.R. 1978 No. 386; S.R. 1979 No. 23

"statutory scheme" has the meaning assigned to that expression by regulation 2 of the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1977(f);

and other words and expressions have the same meaning as in the principal regulations.

Amendment of definition in principal regulations

3. In regulation 2(1) of the principal regulations (Interpretation) at the end of the definition of "remuneration" there shall be added the following proviso—

"Provided that where the officer in his employment under an employing authority belongs to a class or description of officer in relation to which an agreement entered into by that authority under regulation 32A is in force, then in respect of the period during which that agreement remains in force and the officer in his employment under that authority remains an officer of that class or description, the amount determined in relation to him in accordance with the method specified in the agreement as the amount representing the whole of his remuneration or, as the case may be, such part of his remuneration as is specified in the agreement, shall be deemed for the purpose of these regulations to be his remuneration or, as the case may be, such part of his remuneration as is so specified;".

Provisions as to contributions equivalent premiums

4. After regulation 6 of the principal regulations there shall be added the following regulation—

"*Provisions as to contributions equivalent premiums*

6A. Where a contributions equivalent premium is paid in respect of any officer the Committee shall be entitled to charge to the superannuation fund a sum not exceeding the amount of that premium, less the amount (if any) which the Committee could recover or retain under article 48 of the Social Security Pensions (Northern Ireland) Order 1975 in respect of that premium.".

Contributions

5. In regulation 8(2) of the principal regulations (Contributions) after the words "regulation 2", there shall be inserted the words ", in paragraph 5A of regulation 2".

Officer's pension and retiring allowance

6. At the end of regulation 9(1A) of the principal regulations (Officer's pension and retiring allowance) there shall be added the following—

"For the purposes of this paragraph an officer who, on ceasing to hold an employment, became entitled to a benefit under paragraph (1)(*c*) and to whom in respect of his so ceasing a return of contributions is made under these regulations, shall be treated as ceasing to hold that employment on the day immediately before the date on which the return of contributions is made and as not being entitled in respect of his so ceasing to a benefit under paragraph (1)(*c*).".

(f) S.R. 1977 No. 205 (II, p. 1159)

Death gratuity

7. In regulation 14 of the principal regulations (Death gratuity)—

(*a*) in paragraph (1)(*b*) for the words from "(other than a person who became entitled thereto by virtue of regulation 9(1)(*c*))" there shall be substituted the words "and at the time of his death was entitled to receive payments in respect of that pension";

(*b*) in paragraph (2)—

(i) in sub-paragraph (*a*), for the expression "(*b*)(ii)" there shall be substituted the words "such a person as is mentioned in paragraph (1)(*b*)(ii) if he became entitled to the pension mentioned in that paragraph other than by virtue of regulation 9(1)(*c*)";

(ii) after sub-paragraph (*a*) there shall be inserted the following sub-paragraph—

"(*aa*) in respect of such a person as is mentioned in paragraph (1)(*b*)(ii) who became entitled to the pension mentioned in that paragraph by virtue of regulation 9(1)(*c*), whichever is the greater of the following—

(i) the aggregate amount ascertained by multiplying three eightieths of his average remuneration by the length in years of his contributing service by reference to which that pension was calculated and three one-hundred and sixtieths of such remuneration by the length in years of his non-contributing service by reference to which that pension was calculated, less—

(A) where a pension under regulation 15 is payable in respect of his death to his widow, the aggregate amount ascertained by multiplying two eightieths of his average remuneration by the length in years of his contributing service (if any) and two one-hundred and sixtieths of such remuneration by the length of his non-contributing service (if any) before 1st April 1972; and

(B) an amount equal to the aggregate amount of any payments made to him in respect of that pension and the retiring allowance mentioned in paragraph (1)(*b*)(ii); or

(ii) an amount calculated in accordance with the formula $\frac{T}{H} \times A$ where—

T is the length in years of his service;

H is the length in years of the service which he would have been entitled to reckon if he had remained in the employment in relation to which he became entitled to that pension until the earliest age at which he would, under regulation 9(1)(*a*), (*b*)(ii) or (*d*), have become entitled to receive a pension; and

A is the amount of his average remuneration, less—

(i) where a pension under regulation 15 is payable in respect of his death to his widow, the amount ascertained by multiplying two eightieths of his average remuneration by the length in years of his contributing service (if any) and two one-hundred and sixtieths of such remuneration by the length of his non-contributing service (if any) before 1st April 1972; and

(ii) an amount equal to the aggregate amount of any payments made to him in respect of that pension and the retiring allowance mentioned in paragraph (1)(*b*)(ii);"; and

(iii) in sub-paragraph (*b*) after the words "paragraph (1)(*b*)(i)" there shall be inserted the words "other than a person who became entitled thereto by virtue of regulation 9(1)(*c*) or (*e*)"; and

(iv) after sub-paragraph (*b*) there shall be added the following sub-paragraph—

"(*bb*) in respect of such a person as is mentioned in paragraph (1)(*b*)(i) who became entitled to the retirement pension mentioned in that paragraph by virtue of regulation 9(1)(*c*) or (*e*), an amount calculated in accordance with the formula $\frac{T}{H} \times A$ where—

T is the length in years of his service;

H is the length in years of the service which he would have been entitled to reckon if he had remained in the employment in relation to which he became entitled to that pension until the earliest age at which he would, under regulation 9(1)(*a*), (*b*)(ii) or (*d*), have become entitled to receive a pension; and

A is an amount equal to five times the rate of that pension, less an amount equal to the aggregate amount of any payments made to him in respect of that pension;";

(*c*) after paragraph (2) there shall be inserted the following paragraph—

"(2A) For the purposes of paragraph (2)(*aa*) and (*bb*), a person who became entitled to a pension by virtue of regulation 9(1)(*c*) shall be treated as such a person as is mentioned in paragraph (1)(*b*)(ii), and shall not be treated as such a person as is mentioned in paragraph (1)(*b*)(i), if the service by reference to which the pension would have been calculated if he had remained in the employment in relation to which he became entitled to that pension until the earliest age at which he would, under regulation 9(1)(*a*), (*b*)(ii) or (*d*), have become entitled to receive a pension, amounts in aggregate to not less than 10 years.";

(*d*) in paragraph (3), for the words "paragraph (1)(*a*), (*b*)(ii) or (*c*)" there shall be substituted the words "paragraph (1)(*a*) or (*c*) or such a person as is mentioned in paragraph (1)(*b*)(ii) who became entitled to the pension mentioned in that paragraph other than by virtue of regulation 9(1)(*c*)";

(*e*) for paragraph (5) there shall be substituted the following paragraphs—

"(5) In the case of such a person as is mentioned in paragraph (1)(*b*)(i), who dies after becoming entitled to a pension, retiring allowance or injury allowance other than by virtue of regulation 9(1)(*c*) or (*e*), the amount of the death gratuity calculated under the preceding provisions of this regulation shall be reduced by an amount equal to the aggregate amount of any payments made to him in respect of the pension mentioned in that paragraph and, if the person had surrendered a part of that pension, by an amount equal to the amount which would have been paid in respect thereof but for the surrender.

(6) In the case of such a person as is mentioned in paragraph (1)(*b*)(ii), who dies after becoming entitled to a pension, retiring allowance or injury allowance other than by virtue of regulation (9)(1)(*c*), the amount of the death gratuity calculated under the preceding provisions of this regulation shall be reduced by an amount equal to the aggregate amount of any payments made to him in respect of the pension and retiring allowance mentioned in that paragraph and, if the person had surrendered a part of that pension, by an amount equal to the amount which would have been paid in respect thereof but for the surrender.".

Power to compound certain small pensions

8. For regulation 16 of the principal regulations (Power to compound small annual benefits) there shall be substituted the following regulation—

"Power to compound certain small pensions

16.—(1) This paragraph applies where—

(*a*) an officer has become entitled to a pension and has attained the age of 65 years in the case of a man or 60 years in the case of a woman; and

(*b*) the aggregate of the annual rates of—

(i) that pension;

(ii) any other retirement pension to which he has become entitled; and

(iii) any increase payable under the Pensions (Increase) Act (Northern Ireland) 1971(**g**) in respect of any retirement pension to which he has become entitled,

does not exceed £39.

(2) Where paragraph (1) applies the Committee may discharge their liability in respect of—

(*a*) any pension to which the officer has become entitled; and

(*b*) if the officer is a married male officer, any widow's pension which, in the event of his dying leaving a widow, would be payable to her in respect of his service; and

(*c*) any child's allowance which, in the event of the officer dying leaving an eligible child would be payable to or for the benefit of that child in respect of his service,

by payment to the officer of a lump sum of such amount as represents the capital value of the aforesaid pensions and allowance calculated in accordance with tables prepared by the Government Actuary.

(3) For the purposes of paragraphs (1) and (2), an officer shall not be treated as having become entitled to a pension in relation to any employment—

(*a*) in which he ceases to be employed in the circumstances mentioned in regulation 9(1)(*c*); or

(*b*) in relation to which he satisfies the requirements of regulation 9(1)(*e*),

until the date (if any) on which he becomes entitled to receive payments in respect of that pension.

(g) 1971 c. 35 (N.I.)