1978 No. 398

SOCIAL SECURITY

The Contracted-out Employment (Miscellaneous Provisions No. 2) Regulations (Northern Ireland) 1978

Made . . . . . 20*th December* 1978

Coming into operation . . . 31*st January* 1979

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 33(5) of, and paragraphs 1 and 9 of Schedule 2 to, the Social Security Pensions (Northern Ireland) Order 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Contracted-out Employment (Miscellaneous Provisions No. 2) Regulations (Northern Ireland) 1978 and shall come into operation on 31st January 1979.

Amendment of the Occupational Pension Schemes (Certification of Employments) Regulations

2.—(1) The Occupational Pension Schemes (Certification of Employments) Regulations (Northern Ireland) 1976(**b**) shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1) for "Every election" there shall be substituted "Subject to the provisions of regulation 10A, every election".

(3) In regulation 10(1) for "Every election" there shall be substituted "Subject to the provisions of regulation 10A, every election".

(4) After regulation 10 there shall be inserted the following regulation:

"*Special provision with regard to elections for the issue, variation or surrender of certificates where the employment remains contracted-out*

10A.—(1) Subject to the provisions of this regulation, where in the case of an election with a view to the issue, variation or, as the case may be, surrender of a contracting-out certificate the Board are satisfied that—

(*a*) an earner in respect of whose employment the election is proposed to be made will continue to qualify for requisite benefits under the scheme of which he is a member when the election takes effect;

(*b*) the rights to requisite benefits of that earner under that scheme will be unaffected; and

(*c*) the employment of that earner will continue to be contracted-out employment by reference to that same scheme,

then that election may be made without compliance with regulations 2(1)(*a*) and (*b*), 4, 5 and paragraphs (1)(*a*) and (*b*) and (2) to (5) of regulation 10.

(a) S.I. 1975/1503 (N.I. 15)
(b) S.R. 1976 No. 5 (I, p. 20)