1978 No. 74

SOCIAL SECURITY

The Contracted-out Employment (Miscellaneous Provisions) Regulations (Northern Ireland) 1978

Made . . . . . *15th March* 1978

Coming into operation . . . *6th April* 1978

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 42(3), 45(4), 46(3) and 47(1) and (2) of, and paragraphs 1 and 6 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, commencement and interpretation

1.—(1) These regulations may be cited as the Contracted-out Employment (Miscellaneous Provisions) Regulations (Northern Ireland) 1978 and shall come into operation on 6th April 1978.

(2) In these regulations—

"the Order" means the Social Security Pensions (Northern Ireland) Order 1975;

"the Contracting-out Regulations" means the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1976(**b**).

Termination of contracted-out employment in certain cases

2.—(1) Where, within 6 months (or such longer period as the Department may allow) of the happening of one of the following events, namely—

(*a*) the expiry or termination of an earner's contract of service in contracted-out employment with an employer; or

(*b*) in the absence of a contract of service, the ending of service in such employment,

the earner is employed by another employer in employment which is contracted-out by reference to the same scheme as the first employment, the earner's service in the first employment shall, notwithstanding the provisions of regulation 9 of the Contracting-out Regulations, be treated, for the purposes of Articles 37(7) (exclusion of guaranteed minimum pension from revaluation under Article 23 of the Order) and 44(1) (premium on termination of contracted-out employment) of the Order, as not having terminated:

Provided that this paragraph shall not apply—

(i) unless the scheme is one for which there is a common fund;

(ii) where a state scheme premium has been paid in respect of the first employment and has not been refunded.

(**a**) S.I. 1975/1503 (N.I. 15)
(**b**) S.R. 1976 No. 29 (I, p. 114)

(2) Where an earner ceases to be liable for Class 1 contributions under the Social Security (Northern Ireland) Act 1975(c) in respect of any contracted-out employment because he is employed outside Northern Ireland and where, and for so long as, service in the employment outside Northern Ireland continues to qualify him for benefits under the scheme by reference to which his employment was contracted-out employment, the earner's service in that employment shall, notwithstanding the provisions of regulation 9 of the Contracting-out Regulations, be treated, for the purposes of Articles 37(7) and 44(1) of the Order, as not having terminated.

(3) In this regulation the expression "common fund" means a fund into which all contributions, however derived, are paid, and to the whole of which recourse may be had to meet any liabilities of the scheme for the payment of benefit.

(4) The total period of contracted-out employment where there is a series of employments to which paragraph (1) applies shall not include any intervals between employments in the series.

Amendments of the Contracted-out Employment (Notifications, Premium Payment and Miscellaneous Provisions) Regulations

3.—(1) The Contracted-out Employment (Notifications, Premium Payment and Miscellaneous Provisions) Regulations (Northern Ireland) 1976(d) shall be amended in accordance with the provisions of this regulation.

(2) For regulation 3(4) there shall be substituted the following—

"(4) For the purposes of Article 46 (accrued rights premiums and pensioner's rights premiums) and Article 47 (limited revaluation premiums) of the Order the Board shall certify to the Department—

(*a*) in the event of a contracted-out scheme ceasing to be contracted-out, whether or not an earner's accrued rights to or a person's rights to guaranteed minimum pension (not being a pension which is the subject of a certificate issued by the Department under Article 18(9) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(e) and still in force) are subject to approved arrangements as mentioned in the said Article 46;

(*b*) in the event of a contracted-out scheme ceasing to be contracted-out and in the event thereafter of the withdrawal of such a certificate issued by the Department as aforesaid, whether or not the accrued rights or rights to the guaranteed minimum pension which was the subject of the certificate are subject to approved arrangements as mentioned in the said Article 46; and

(*c*) in the event of rights which are subject to approved arrangements as mentioned in the said Article 46 ceasing to be so subject, the date on which those rights ceased to be so subject.".

(3) In regulation 4(1)(*e*) after "earner" there shall be inserted "is under the age of 26 or".

(4) In regulation 4(2)(*b*) "and" shall be omitted.

(5) In regulation 4(2)(*c*) "or 47(3)" shall be omitted.

(6) After regulation 4(2)(*c*) there shall be added the following—

"and

(c) 1975 c. 15
(d) S.R. 1976 No. 101 (I, p. 432)
(e) S.I. 1977/610 (N.I. 11)