1977 No. 205

LOCAL GOVERNMENT

Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1977

Made . . . . . 19*th July* 1977

Coming into operation . . . . 26*th August* 1977

The Department of the Environment in exercise of powers conferred by section 103 of the National Insurance Act (Northern Ireland) 1966(**a**) (in accordance with which section the Department(**b**) of Finance had determined the Ministry of Health and Local Government(**c**) to be the appropriate Ministry for the purposes of that section to make regulations modifying the scheme for the provision of pensions and other benefits established by regulations made under section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950(**d**)) and by articles 9 and 14 of the Superannuation (Northern Ireland) Order 1972(**e**) and now vested in it(**c**) 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 and commencement

1. These regulations may be cited as the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1977 and shall come into operation on 26th August 1977.

Interpretation

2. In these regulations—

"the Act of 1966" means the National Insurance Act (Northern Ireland) 1966;

"approved non-local government scheme" means a non-local government scheme which is wholly approved by the Commissioners of Inland Revenue under section 208 of the Income and Corporation Taxes Act 1970(**f**), or approved by the said Commissioners under section 222 of that Act or under Chapter II of Part II of the Finance Act 1970(**g**) or approved for this purpose by the said Commissioners;

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

"the Department" means the Department of the Environment;

(a) 1966 c. 6 (N.I.) (the said section 103 having been continued in force by regulation 3 of S.R. 1975 No. 48 (I, p. 217))
(b) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(c) *See* S.R. & O. (N.I.) 1964 No. 205 art. 2 (p. 937); 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)
(d) 1950 c. 10 (N.I.)
(e) S.I. 1972/1073 (N.I. 10)
(f) 1970 c. 10
(g) 1970 c. 24

"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(**h**);

"local government employment" means employment by virtue of which the person employed is an officer entitled to participate in the superannuation benefits provided by the principal regulations;

"non-local government employment" means employment in which the person employed participates in superannuation benefits provided otherwise than by the principal regulations, and "approved non-local government employment" shall be construed accordingly;

"non-local government scheme" means a superannuation scheme or other arrangements for superannuation other than those provided in the principal regulations;

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

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

"scheme managers" means—

(*a*) in the application of these regulations to a statutory scheme, the Department concerned or police or fire authority administering the scheme; and

(*b*) in any other case, the person responsible for the management of a non-local government scheme;

"the Social Security Act" means the Social Security (Northern Ireland) Act 1975(**j**);

"statutory scheme" means a scheme established under article 3 of the Order or other arrangements for superannuation maintained in pursuance of regulations made, or having effect as if made, under articles 11 and 12 of the Order or section 25 of the Police Act (Northern Ireland) 1970(**k**) or a Fireman's Pension Scheme made under section 17 of the Fire Services Act (Northern Ireland) 1969(**l**);

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

Amendments relating to added years

3. Regulation 26 of the principal regulations (which relates to added years in certain cases) shall be amended as follows:

(*a*) in paragraph (1)—

(i) the words "other than a designated body" shall be deleted;

(ii) for the words "a local" there shall be substituted "an employing";

(*b*) for paragraph (2) there shall be substituted—

"(2) An application by an officer for the purposes of paragraph (1) shall be made in writing to the employing authority by whom he is employed—

(**h**) S.R. 1975 No. 347 (II, p. 1695)

(**i**) 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. 1974 No. 72 (I, p. 211); S.R. & O. (N.I.) 1971 No. 108 (p. 539); S.R. 1975 No. 187 (II, p. 984); S.R. & O. (N.I.) 1973 No. 242 (I, p. 1207); S.R. 1975 No. 347 (II, p. 1695)

(**j**) 1975 c. 15

(**k**) 1970 c. 9 (N.I.)

(**l**) 1969 c. 13 (N.I.)

(*a*) within 6 months after the date on which he became an officer in their employment; or

(*b*) within 6 months after the date on which the provisions of paragraph (1) first became applicable in his case, provided that at the time he makes an application he has not attained the age of 59 years."

(*c*) for paragraph (5) there shall be substituted—

"(5) If the aggregate of any amount payable by an officer under paragraph (4) or under regulation 26B and the amount payable by him by way of contributions under regulation 8 exceeds fifteen per cent of his remuneration he shall satisfy his liability in respect of the excess over fifteen per cent by payment in a lump sum of a sum calculated by the Government Actuary to represent the capital value of the excess."

4. After regulation 26 of the principal regulations there shall be added the following regulations—

"*Increase of contributing service on payment of a lump sum*

26A. If an officer elects by notice in writing given to the Committee within twelve months after the date on which he first becomes an officer or if he was an officer immediately before 26th August 1977 within twelve months thereafter, to make a payment to the superannuation fund in order to be entitled to reckon an additional period, not exceeding the maximum length determined in accordance with the Eleventh Schedule as contributing service, he shall, if he pays to the fund by a lump sum an amount calculated in accordance with Part I of the Twelfth Schedule within the period of twelve months referred to above, be entitled, in relation to the employment in respect of which he is an officer, to reckon that additional period as contributing service, but such additional period shall not be reckonable as service for the purpose of determining whether any benefit is payable to or in respect of the officer under these regulations:

Provided that an election under this regulation shall not be made by an officer who on first becoming an officer had attained the age of 59 years.

Increase of contributing service on the making of periodical payments

26B.—(1) An officer (not being an officer who has attained the age of 59 years) may, by notice in writing to the Committee, elect to make payments to the superannuation fund in order to be entitled, in relation to the employment in respect of which he is an officer, to reckon an additional period, not exceeding the maximum length determined in accordance with the Eleventh Schedule, as contributing service, but such additional period shall not be reckonable as service for the purpose of determining whether any benefit is payable to or in respect of the officer under these regulations.

(2) Where the Committee is not the employing authority, the officer shall, when giving a notice under this regulation, send a copy of that notice to the employing authority.

(3) The amount payable by an officer who has made an election under this regulation shall be calculated and paid in accordance with Part II of the twelfth schedule and shall, subject to regulation 26(5) be paid to the superannuation fund by way of additional contributions, at such intervals as the Committee may determine, which contributions shall commence to be payable on the officer's birthday next following the day on which the election is made under this regulation and shall cease to be payable on the day immediately before the birthday of the officer at which or, as the case may be, the birthday immediately preceding the date at which he would become entitled by virtue of regulation 9(1)(*a*), (*b*)(ii) or (*d*), if he then ceased to be employed, to an annual pension.

(4) An officer who has completed payments under this regulation shall be entitled, in relation to the employment mentioned in paragraph (1), to reckon the additional period in respect of which those payments were made as contributing service and an officer who is in the course of making payments under this regulation shall be entitled to reckon such additional period (if any) as is determined in accordance with the thirteenth schedule as contributing service.

(5) The provisions of paragraph (6) of regulation 8 shall apply in relation to any amount payable by an officer under this regulation as they apply in relation to contributions payable by an officer under paragraph (1) of that regulation."

Consequential amendments relating to added years

5.—(1) In regulation 2(1) of the principal regulations (which defines expressions used in the regulations) in the definition of "added years" for the figure "26" there shall be substituted "26, 26A or 26B"; and in the definition of "contributing service" for the expression "26 or 29" there shall be substituted "26, 26A, 26B or 29".

(2) After regulation 10(5) of the principal regulations (scales of pension and retiring allowance) there shall be added the following paragraphs:—

"(6) In the case of an officer entitled under regulation 26A or 26B to reckon an additional period as contributing service who had at the appropriate time attained the age of 45 years or over, the amount of the annual pension shall be increased by the amount ascertained by multiplying one two hundred and fortieth of his average remuneration by the length in years of that additional period but no account shall be taken of that additional period in calculating the amount of the retiring allowance.

(7) In this regulation "appropriate time" has the meaning assigned thereto by paragraph 1(2) of the eleventh schedule."

(3) In regulation 15(3) of the principal regulations (widow's pension) there shall be inserted the following proviso—

"(i) if any such pension as is mentioned in sub-paragraphs (*a*), (*b*) or (*c*) would have been increased under regulation 10(6), no account shall be taken of the increase;"

and the existing provisos (i) and (ii) shall be re-numbered (ii) and (iii) respectively;

(4) The sixth schedule to the principal regulations (additional contributions for added years) shall be amended by inserting in the table above the first entry in each column, the entries "25 and 27" and ".15" in columns (1) and (2) respectively.

(5) Schedules A, B and C shall be included in the principal regulations as the eleventh, twelfth and thirteenth schedules respectively.

Amendments relating to child's allowance

6.—(1) For regulation 15A of the principal regulations (child's allowance) there shall be substituted:—

"*Child's allowance*

15A.—(1) Subject to and in accordance with the ninth schedule and as hereafter in this regulation provided, if a person dies who—

(*a*) was entitled at the time of his death to receive payments in respect of an annual pension; or

(*b*) was at the time of his death employed in employment in which he was an officer who had completed not less than five years service; or

(*c*) was entitled at the time of his death to an annual pension, but was not at that time entitled to receive payments in respect of that pension;

and he is survived by an eligible child, there shall be payable to or for the benefit of that child—

(i) if he was such a person as is mentioned in sub-paragraph (*a*) or (*b*), a child's short-term allowance in respect of the period of three months after the day of his death and a child's allowance; and

(ii) if he was such a person as is mentioned in sub-paragraph (*c*), a child's allowance:

Provided that:

(*a*) where a pension under regulation 15(3A) is payable to the widow of the deceased person, a child's short-term allowance shall not be payable during the period such widow's pension is payable; and

(*b*) if the deceased person was such a person as is mentioned in sub-paragraph (*a*) or (*b*), the child's allowance shall not be payable until the day following the expiration of the period of three months after the death of the deceased person.

(2) A child's short-term allowance and a child's allowance shall not be paid to or for the benefit of a female eligible child—

(*a*) if on the death of the deceased person she is married or cohabitating with another man as his wife, in respect of any period after that day; or

(*b*) if after that day she marries or commences to cohabit with a man as his wife, in respect of any period after marriage or so commencing:

Provided that if at any time after the marriage she has become a widow or the marriage has been dissolved or the cohabitation has been terminated, the Committee may, in their discretion, pay the child's short-term allowance or, as the case may be, the child's allowance to her for her benefit as from that time.

(3) A child's short-term allowance shall be at an annual rate—

(*a*) where the deceased person was entitled at the time of his death to receive payments in respect of an annual pension, equal to the rate of that pension payable to him immediately before his death; and