1975 No. 347

LOCAL GOVERNMENT

Local Government (Superannuation) (Prescribed Persons) Regulations (Northern Ireland) 1975

Made . . . . . 5th December 1975

Coming into operation . . . 23rd January 1976

The Department of Housing, Local Government and Planning(a) in exercise of powers conferred upon it by articles 9 and 14 of the Superannuation (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf, being of the opinion that it is appropriate to provide pensions, allowances or gratuities for persons, or classes of persons other than those employed by local authorities, and after consultation with the Association of Local Authorities of Northern Ireland and such representatives of other persons likely to be affected by the proposed regulations as appear to that Department to be appropriate, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Local Government (Superannuation) (Prescribed Persons) Regulations (Northern Ireland) 1975, and shall come into operation on 23rd January 1976.

Interpretation

2. In these regulations—

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

"the Department" means the Department of Housing, Local Government and Planning;

"designated body" means a body designated under the provisions of section 8(1) of the Local Government (Superannuation) Act (Northern Ireland) 1950(c);

"local authority" has the meaning assigned to it by article 2(2) of the Order;

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

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

"the superannuation regulations" means regulations(e) made by the Department under article 9 of the Order and includes these regulations and the provisions of the enactments mentioned in schedule 1 which

(a) Formerly the Ministry of Development: *see* S.R. & O. (N.I.) 1973 No. 504 Art. 7(II, p. 2992) and 1973 c. 36, Sch. 5 para. 8(1)
(b) S.I. 1972 No. 1073 (N.I. 10)
(c) 1950 c. 10 (N.I.)
(d) S.R. & O. (N.I.) 1962 No. 210 (p. 793) as amended by S.R. & O. (N.I.) 1966 No. 274 (p. 871); 1968 No. 20 (p. 89); 1968 No. 153 (p. 588); 1969 No. 154 (p. 555); and 1970 No. 54 (p. 263)
(e) To date these comprise S.R. & O. (N.I.) 1973 No. 216 (I, p. 1108) and 1973 No. 242 (I, p. 1207); and S.R. 1974 No. 72 and 1975 Nos. 3 and 187.

by virtue of paragraph 6 of schedule 7 to the Order have effect with any necessary adaptations and modifications as provisions of regulations made under article 9 of the Order,

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

Participation in superannuation benefits by prescribed persons

3.—(1) If application for the purpose is made to the Committee by a body specified in paragraph (4), the Committee may, if they think fit, by agreement on such terms and conditions as, subject to paragraph (2), they think proper, admit any employee of the body (other than an employee who if he were an officer of a local authority within the meaning of regulation 4 of the principal regulations would not be entitled under regulation 5 of the principal regulations to participate in the benefits provided by the superannuation regulations) to participate in the benefits of the superannuation fund maintained by the Committee, and in that event the superannuation regulations shall have effect as if the body were a local authority and the employee were an officer of a local authority, except that where any superannuation regulation specifically excludes an officer of a designated body from the provisions of that regulation such exclusion shall also have effect in relation to an employee of a body admitted under this regulation; and the body shall have all such powers as may be necessary for the purpose of giving effect to the aforesaid terms and conditions.

(2) The terms and conditions of any agreement made under this regulation—

(*a*) shall include provision that any question which may arise between the Committee and the body concerned relating to the construction of the agreement or to the rights and obligations thereunder of either party shall be determined by the Department and such determination shall be final; and

(*b*) shall not include provision (other than provision that any previous period of employment by the body concerned of an employee admitted under the agreement shall be reckonable as service to such extent as may be agreed between the Committee and the body and subject to the condition that such agreed period shall only be reckonable as contributing service if payment is made to the Committee by the employee of an amount not less than the equivalent of the total amount which would have been payable under the provisions of the superanuation regulations by both the employee and the body in respect of such part of such agreed period of employment as could be reckonable as contributing service under the provisions of the superannuation regulations if the employee had been admitted to participate in the benefits of the superannuation fund maintained by the Committee as from the beginning of such agreed period of employment) conferring on any employee admitted under the agreement any greater or lesser rights under the superannuation regulations or subjecting him to any greater or lesser liabilities thereunder than those which he would have enjoyed or to which he would have been subject respectively had he been an officer of a local authority within the meaning of regulation 4 of the principal regulations, except that where any superannuation regulation specifically excludes an officer of a designated body from the provisions of that regulation such exclusion shall also have effect in relation to an employee of a body admitted under this regulation.

(3) The Committee shall forthwith upon the making of an agreement under this regulation notify the Department that the agreement has been made and furnish it with the name of the body concerned and with the date on which the agreement takes effect.

(4) The bodies referred to in paragraph (1) are—

(*a*) a body representative of local authorities or of local authorities and officers of local authorities or a body representative of officers of local authorities formed for the purpose of consultation as to the common interest of those authorities and the discussion of matters relating to local government;

(*b*) statutory undertakers;

(*c*) non-statutory undertakers approved for the purposes of this regulation by the Department;

(*d*) a body which provides a public service in Northern Ireland otherwise than for the purposes of gain or to whose funds any district council contribute or to whom any monies are payable from monies appropriated by Measure; and

(*e*) the managers of a voluntary school within the meaning of article 2(2) of the Education and Libraries (Northern Ireland) Order 1972(f).

(5) In this regulation—

"statutory undertakers" means a body authorised by any statutory provision to carry on—

(*a*) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier, lighthouse or airport undertaking; or

(*b*) any undertaking for the supply of electricity, gas or hydraulic power; or

(*c*) any undertaking for the promotion of industrial development or the promotion of the development of tourist traffic;

"non-statutory undertakers" means a body who, though not authorised by any statutory provision to do so, are primarily engaged in carrying on—

(*a*) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier, lighthouse or airport undertaking; or

(*b*) any undertaking for the supply of electricity, gas or hydraulic power; or

(*c*) any undertaking for the promotion of industrial development or the promotion of the development of tourist traffic.

Saving provision

4. The designation of any body under a transferred provision repealed by the Order whereby the employees of such a designated body were entitled to participate in the benefits of the superannuation fund maintained by the Committee shall, notwithstanding that repeal, continue in force as if the designation were an agreement made under regulation 3 whereby the employees of the designated body, who if they were employed by a local authority would be entitled to participate in the benefits of the superannuation fund maintained by the Committee, are entitled so to participate, except that—

(f) S.I. 1972 No. 1263 (N.I. 12).

(i) any employee who before the coming into operation of these regulations exercised the option conferred by regulation 4(2)(*g*) of the principal regulations; or

(ii) any employee taking up duty with the designated body after the coming into operation of these regulations whom the Committee may agree to exempt from participation following an application for that purpose made to the Committee by the designated body immediately after such employee either takes up duty or would otherwise be entitled to participate;

shall not be entitled so to participate; and, accordingly, the superannuation regulations shall have effect as if such designated body were a local authority and all employees of that body other than employees not entitled to participate as provided above, and whether in post before or after 2nd August 1972 (the date of coming into operation of the Order), were officers of a local authority, except that where any superannuation regulation specifically excludes an officer of a designated body from the provision of that regulation such exclusion shall also have effect in relation to an employee of a body mentioned in this regulation.

Retrospective application

5. An application for the purpose of regulation 3 shall be deemed to have been made in relation to any person who either on the date shown in column (2) of schedule 2 was or who at any later date became or becomes an employee of the body listed opposite that date in column (1) thereof and an agreement shall be deemed to have been made under regulation 3 with each body listed in schedule 2, so as to have effect from the date shown in column (2) of that schedule in relation to each body, whereby the employees of each body, who if they were employed by a local authority would be entitled to participate in the benefits of the superannuation fund maintained by the Committee, are entitled so to participate; except that—

(i) any employee who before the coming into operation of these regulations exercised the option conferred by regulation 4(2)(*g*) of the principal regulations; or

(ii) any employee taking up duty with the body concerned after the coming into operation of these regulations whom the Committee have agreed should be exempted from participation following an application for that purpose made to the Committee by the body concerned immediately after such employee either takes up duty or would otherwise be entitled to participate;

shall not be entitled so to participate; and, accordingly, the superannuation regulations shall have effect as if such body were a local authority and all employees of that body, other than employees not entitled to participate as provided above, and whether in post on or after the date specified in column (2) of schedule 2 in relation to each body, were officers of a local authority, except that where any superannuation regulation specifically excludes an officer of a designated body from the provisions of that regulation such exclusion shall also have effect in relation to an employee of a body listed in schedule 2.

Consequential amendment

6. As from the coming into operation of these regulations the expression "designated body" where used in superannuation regulations (other than these regulations) shall mean any body in respect of whose employees an agreement is made under regulation 3 or is deemed to be made under regulation 4 or 5 as appropriate whereby the employees are entitled to participate in the benefits of the superannuation fund maintained by the Committee and "designated" shall be construed accordingly.