1975 No. 187

LOCAL GOVERNMENT

Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1975

Made . . . . . *4th July* 1975

Coming into operation . . . *15th August* 1975

The Department of Housing, Local Government and Planning(a) in exercise of powers conferred on it by Articles 9 and 14 of the Superannuation (Northern Ireland) Order 1972(b) and of all other powers enabling it in that behalf, and after consultations with such associations of local authorities as appeared to the Department to be concerned, the Belfast City Council and such representatives of other persons likely to be affected by these regulations as appeared to the Department 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) 1975 and shall come into operation on 15th August 1975.

Interpretation

2. In these regulations—

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

"the compensating authority" means the authority responsible for payment of benefits under Article 3 of the Superannuation (Northern Ireland) Order 1973(c);

"the Insurance Acts" means the National Insurance Acts (Northern Ireland) 1966-1973;

"the principal regulations" means the Local Government (Superannuation) Regulations (Northern Ireland) 1962(d); and other words and expressions have the same meaning as in the principal regulations save that—

"employing authority" means a district council, a new town commission, the Committee, a designated body or the Northern Ireland Housing Executive.

Officer's pension and retiring allowance

3. For regulation 9 of the principal regulations there shall be substituted:

"**9.**—(1) Subject to regulation 9A, an officer of an employing authority shall, on ceasing to be employed by them, be entitled to receive from the Committee in relation to that employment an annual pension and a lump sum retiring allowance if—

(a) Formerly the Ministry of Development: *see* S.R. & O. (N.I.) 1973 No. 504 Art. 7 (II, p. 2992) and 1973 c. 36 (N.I.) Sch. 5 para. 8(1)
(b) S.I. 1972/1073 (N.I. 10)
(c) S.I. 1973/962 (N.I. 13)
(d) S.R. & O. (N.I.) 1962 No. 210 (p. 793)

(*a*) he has attained the age of 60 years and completed twenty-five years' service; or

(*b*) he has completed five years' service and either—

(i) he is incapable of discharging efficiently the duties of that employment by reason of permanent ill-health or infirmity of mind or body; or

(ii) he has attained the age of 65 years; or

(iii) he has attained the age of 50 years and one of the conditions prescribed in paragraph (2) is applicable to his case; or

(*c*) he is not entitled to a benefit under sub-paragraph (*a*) or (*b*) and either his reckonable service amounts in aggregate to not less than five years or he is not a person who is entitled on so ceasing to a return of contributions under regulation 33; or

(*d*) he has attained the age of 60 years and has completed 10 years' service, provided that he was an officer immediately before 1st April 1972.

(2) For the purposes of paragraph (1)(*b*)(iii) the prescribed conditions shall be—

(*a*) that the employing authority mentioned in paragraph (1) certify that the officer has ceased to hold his employment by reason of redundancy or in the interest of the efficient exercise of their functions; or

(*b*) that the officer was one of the holders of a joint appointment whose appointment has been terminated by reason that the other ceased to hold his appointment; or

(*c*) that the officer has attained the age of 50 years on or before 30th September 1973 and has retired prematurely under the provisions of Article 3 of the Superannuation (Northern Ireland) Order 1973.

(3) Where a pension and a lump sum retiring allowance are payable under paragraph (1)(*b*)(iii) the employing authority, or where compensation is payable, the compensating authority, shall pay to the Committee such an amount as may be actuarially determined which represents the cost to the Committee of paying such pension and lump sum retiring allowance before the officer would be entitled to the payment of such benefits under paragraph (1)(*a*), (*b*)(ii) or (*d*).".

Deferment of pension, etc., rights

4. After regulation 9 there shall be inserted the following regulation:

"*Deferment of pension, etc., rights*

9A. An officer who ceases to be employed in the circumstances mentioned in regulation 9(1)(*c*) shall not on that account be entitled to receive payment of or payments in respect of a benefit under regulation 9—

(*a*) in the case of a male officer—

(i) until he attains the earliest age at which he would, apart from regulation 9(1)(*b*)(iii) have become entitled to receive a benefit under these regulations if he had remained in the employment he ceased to hold in the circumstances referred to above; or

(ii) until, before attaining the age mentioned in sub-paragraph (*a*)(i) he becomes incapable of discharging efficiently the duties of the employment he so ceased to hold by reason of permanent ill-health or infirmity of mind or body; or

(iii) until he attains or has attained the age of 50 years and the body who, in relation to the employment he so ceased to hold, was immediately before he so ceased the employing authority, determines on compassionate grounds and with the agreement of the Committee that a benefit under this regulation should be paid before the date on which he attains the earliest age as aforesaid; or

(iv) unless he so ceases to be employed after attaining the age of 60 years and not later than one month after so ceasing by notice in writing to the employing authority elects to be entitled to receive benefits under this regulation from the date on which he so ceased;

(*b*) in the case of a female officer—

(i) until she attains the earliest age at which she would apart from regulation 9(1)(*b*)(iii) have become entitled to receive a benefit under these regulations if she had remained in the employment she ceased to hold in the circumstances referred to above; or

(ii) until, before attaining the earliest age mentioned in sub-paragraph (*b*)(i) she retires and attains or has attained the age of 60 years; or

(iii) until, before attaining the earliest age as aforesaid, she becomes incapable of discharging efficiently the duties of the employment she so ceased to hold by reason of permanent ill-health or infirmity of mind or body; or

(iv) until she attains or has attained the age of 50 years and the body who, in relation to the employment she so ceased to hold, was immediately before she so ceased the employing authority determines on compassionate grounds and with the agreement of the Committee that a benefit under this regulation should be paid before the date on which she attains the earliest age as aforesaid;

(*c*) if contributions have been returned to the officer under regulation 33;

(*d*) if, after so ceasing to be employed but before becoming entitled to receive payment of or payments in respect of a benefit under regulation 9(1)(*c*), rights in respect of the reckonable service he was entitled to reckon in relation to the employment he ceased to hold in the circumstances referred to above, have been transferred to another pension scheme by virtue of interchange rules; or

(*e*) if, after so ceasing to be employed but before becoming entitled to receive payment of or payments in respect of a benefit under regulation 9(1)(*c*), he becomes an officer and does not within 3 months after so becoming an officer or such longer period as the Committee may in a particular case allow, give to the Committee notice in writing that he wishes to retain the rights to benefits under these regulations to which he had under regulation 9(1)(*c*) already become entitled.".

Premature retirement at actuarially reduced rates

5.—(1) After regulation 10(4) of the principal regulations (scales of pension and retiring allowance) there shall be inserted the following paragraph:

"(5) Where an officer becomes entitled to benefits under regulation 9(1)(*c*) and

(*a*) in the case of a male officer having ceased to be employed after attaining the age of 60 years, elects as mentioned in regulation 9A(*a*)(iv) to be entitled to receive benefits from the date on which he so ceased; or,

(*b*) in the case of a female officer having retired before attaining the earliest age at which she would, apart from regulation 9(1)(*b*)(iii), have become entitled to receive a benefit under these regulations, has attained the age of 60 years,

the amount of any benefit calculated under the preceding provisions of this regulation shall be reduced according to the age at which the person ceased to hold the employment or the age at which the benefits are put into payment, if later, by the percentage shown in the appropriate column of the relevant table set out in the Tenth Schedule: provided that an annual pension payable in respect of reckonable service shall not be reduced under this paragraph to less than the minimum rate of equivalent pension benefits applicable in respect of that period under the Insurance Acts.".

(2) After the Ninth Schedule of the principal regulations there shall be inserted the following additional Schedule.

TENTH SCHEDULE

Reduction of benefits under regulation 10(5)

TABLE I

ANNUAL PENSION

Age of person on ceasing to be employed or at which the benefit is put into payment if later	*Percentage reduction to be made under regulation 10(5) by reference to the under-mentioned earliest age at which, if the person were to remain an officer without any break in service, the person would become entitled by virtue of regulation 9(1)(a) or (b)(ii) on ceasing to be employed, to an annual pension*									
	61		62		63		64		65	
	Male	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
60	9	7	17	14	24	20	31	26	37	31
61	—	—	9	7	17	14	25	20	31	26
62	—	—	—	—	9	7	17	14	25	21
63	—	—	—	—	—	—	9	8	18	15
64	—	—	—	—	—	—	—	—	10	8

TABLE II

RETIRING ALLOWANCE

Age of person on ceasing to be employed or at which the benefit is put into payment if later	*Percentage reduction to be made under regulation 10(5) by reference to the under-mentioned earliest age at which, if the person were to remain an officer without any break in service, the person would become entitled by virtue of regulation 9(1)(a) or (b)(ii), on ceasing to be employed, to a retiring allowance*									
	61		62		63		64		65	
	Male	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
60	5	4	10	9	15	12	20	16	24	20
61	—	—	5	4	11	9	15	13	20	16
62	—	—	—	—	6	4	11	9	16	13
63	—	—	—	—	—	—	6	5	11	9
64	—	—	—	—	—	—	—	—	6	5

Death gratuity

6. For regulation 14 of the principal regulations (death gratuity) there shall be substituted:

"**14.**—(1) If—

(*a*) an officer dies; or

(*b*) a person dies after having become entitled to an annual pension and retiring allowance under these regulations or the 1950 Regulations (other than a person who became entitled thereto by virtue of regulation 9(1)(*c*)) and either—

(i) the reckonable service by reference to which the annual pension was calculated amounted in aggregate to less than 10 years and he had been entitled for a period of less than 5 years to receive payments in respect of that pension; or

(ii) the reckonable service by reference to which the annual pension was calculated amounted in aggregate to not less than 10 years; or

(*c*) a person dies who was entitled at the time of his death to an annual pension and retiring allowance, but was not entitled at that time to receive payments in respect of that pension or payment of that allowance,

his personal representatives shall be entitled to receive from the Committee a lump sum death gratuity.

(2) Subject to the succeeding provisions of this regulation the amount of a death gratuity shall be as follows:

(*a*) In respect of such a person as is mentioned in paragraph (1)(*a*) or (*b*)(ii), whichever of the following two amounts is the greater—

(i) an amount equal to three-eightieths of his average remuneration in respect of each year of his contributing service (if any) and three one-hundred-and-sixtieths thereof in respect of each year of his non-contributing service (if any) by reference to which, in the case of such a person as is mentioned in paragraph (1)(*a*), the annual pension would have