STATUTORY RULES AND ORDERS OF A GENERAL CHARACTER ISSUED IN 1964

1964. No. 1 **[C]**

NATIONAL INSURANCE

Non-participation—Assurance of Equivalent Pension Benefits

REGULATIONS, DATED 3RD JANUARY, 1964, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1959.

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sections 6(8), 8(3) (4) and (7) and 12(2) of the National Insurance Act (Northern Ireland) 1959(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Amendment Regulations (Northern Ireland) 1964, shall be read as one with the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations (Northern Ireland) 1960(b) (hereinafter referred to as "the principal regulations") and shall come into operation on the 6th January 1964.

Amendment of regulation 2 of the principal regulations

2.—(1) Regulation 2 of the principal regulations (end of period of service and disregard of interruptions) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Schedule 1.

(2) In regulation 2(5) there shall be inserted:

(*a*) after the words "at any time within" the words "the period beginning one month before and ending";

(*b*) after the word "as" where it first occurs the words "coming or";

(*c*) after the word "given" the words "(and, in the case of a notice given in advance of termination, that termination occurs on the date specified in the notice)".

(3) In the proviso to the said regulation 2(5) there shall be:

(*a*) deleted the words "but before a payment in lieu of contributions has been made in respect of the person's period of service";

(*b*) inserted after the words "notice under this paragraph" the words "not later than the end of the assurance period";

(*c*) added after the words "the person dies" the words "before a payment in lieu of contributions has been made in respect of his period of service".

(a) 1959. c. 21.
(b) S.R. & O. (N.I.) 1960, No. 181 as amended by S.R. & O. (N.I.) 1961, No. 169; 1963, No. 71 and No. 154.

Amendment of regulation 3 of the principal regulations

3.—(1) Regulation 3 of the principal regulations (employment not treated as continuing during interruption) shall be amended in accordance with the provisions of paragraph (2) and shall accordingly have effect as set out in Schedule 2.

(2) After the words "non-participating employment" where they first occur there shall be inserted the words "(or, if that is earlier, on or after the giving of a notice by that person and that employer under regulation 2(5))".

Amendment of regulation 4 of the principal regulations

4.—(1) Regulation 4 of the principal regulations (notice of end of employment) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Schedule 3.

(2) In proviso (i) to the said regulation 4 after the words "relates to both" there shall be inserted the words "and the person enters the new employment within thirteen weeks after the coming to an end of his service in the previous employment".

(3) At the end of proviso (ii) to the said regulation 4 the following words shall be added:

"and

(iii) where either—

(A) a person retires from service in a non-participating employment and equivalent pension benefits in respect of the period of his service commence to be payable not later than the end of the assurance period, or

(B) a person's employment ceases to be a non-participating employment,

the employer may give notice under this regulation at any time after such retirement or cessation, as the case may be, and not later than the end of the assurance period."

Amendment of regulation 7 of the principal regulations

5.—(1) Regulation 7 of the principal regulations (conditions for assurance of equivalent pension benefits) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Schedule 4.

(2) In the proviso to regulation 7(1)—

(*a*) after the words "Provided that" there shall be inserted the following words:

"(i) where the benefits commence to be payable not later than the end of the assurance period the delivery of a certificate of assurance shall not be required if the employer delivers to the person and to the Ministry without charge particulars of the benefits and of the person's right thereto in such form as the Ministry shall approve; and

(ii) ";

(*b*) after the words "given by them" there shall be inserted the words "or of such particulars as are referred to in paragraph (i) of this proviso",

(3) After regulation 7(2) there shall be inserted the following paragraphs:

"(3) References in this regulation to the appropriate recognised superannuation scheme shall, in cases where the recognised superannuation scheme by virtue of which the certificate under Part II of the Act of 1959 relating to a person's employment was in force was not the same throughout the period of his service, include, as respects any part of that period, a reference to the scheme by virtue of which the certificate was in force during that part; and, in such cases, instead of a single certificate of assurance relating to the entire period, there may be delivered two or more certificates of assurance relating to parts of the period given by the responsible paying authorities of the schemes concerned, so, however, that the periods to which such certificates relate must between them comprise the entire period of service.

(4) In the application of proviso (ii) to paragraph (1)(*b*) to a case to which paragraph (3) applies, the reference to the end of the period of service shall be construed in relation to all the certificates as a reference to the end of the entire period of service."

Amendment of regulation 9 *of the principal regulations*

6. Regulation 9 of the principal regulations (period for exercise of options, etc.) shall be amended by the deletion of the words "and before the making of any payment in lieu of contributions in respect of the period of his service".

Amendment of regulation 11A *of the principal regulations*

7.—(1) Regulation 11A(a) of the principal regulations (exemption from duty to give notice of end of employment or certificate under regulation 11) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Schedule 5.

(2) After regulation 11A(*a*) there shall be inserted the following paragraph:

"(*aa*) the recognised superannuation scheme relating to the previous employment is a statutory scheme and the provisions of section 8(4)(*c*) of the Act of 1959 are satisfied by virtue of any provision contained in or made under—

(i) any of the enactments specified in Schedule 2 to the Act of 1959 or in section 11(7) of that Act; or

(ii) the Superannuation Acts or of those Acts as applied by any enactment; or".

(3) At the end of regulation 11A there shall be added the words "For the purposes of this regulation 'the Superannuation Acts' has the same meaning as in regulation 18(6)."

Amendment of regulation 18 *of the principal regulations*

8.—(1) Regulation 18 of the principal regulations (extension of temporary interruptions and of assurance periods) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Schedule 6.

(2) In regulation 18(1)(*a*) after the word "shall" there shall be inserted the words ", unless the Ministry in exceptional circumstances so allows."

(a) See reg. 6 of S.R. & O. (N.I.) 1961, No. 169.

(3) At the end of regulation 18(2) there shall be added the words "unless the Ministry is satisfied that the extension is required for the purpose only of remedying an error or omission made in seeking to comply with the provisions of these regulations and without failure to exercise due care and diligence".

(4) In regulation 18(4) all words after the word "dies" shall be deleted.

(5) After regulation 18(5) there shall be inserted the following paragraph:

"(5A) If the employer so requests, the provisions of paragraph (5) shall apply at the end of the period of thirteen weeks referred to in regulation 2(2) and (3) where no extension is allowed in accordance with the provisions of paragraph (1) of this regulation, as they apply at the end of such an extension."

Amendment of Schedule 1 *to the principal regulations*

9. In paragraph 3 of Schedule 1 to the principal regulations (particulars to be given in a certificate of assurance) there shall be deleted the words "The place, time and manner of payment of such benefits" and "and the source from which".

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of January, nineteen hundred and sixty-four.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 3rd day of January, nineteen hundred and sixty-four.

(L.S.) *W. W. Arthur,*
Assistant Secretary.

SCHEDULE 1 Regulation 2

Regulation 2 of the Principal Regulations, as amended*

End of period of service and disregard of interruptions

2.—(1) The following provisions of this regulation shall have effect in determining whether a person's period of service in a non-participating employment is to be treated, for the purpose of the provisions of Part II of the Act of 1959 relating to the making of a payment in lieu of contributions at the end of such a period, as having come to an end.

(2) Subject to the following provisions of this regulation, a person's employment shall not be treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end unless thirteen contribution weeks have elapsed since the termination of a period of contribution liability in relation to the employment, and in that event the employment shall be treated as having come to an end upon that termination.

(3) Where, after the termination of a period of contribution liability in relation to a person's employment, either—

(*a*) a new period of contribution liability begins in relation to that employment after an interruption not exceeding thirteen contribution weeks; or

(*b*) the interruption is brought to an end by the person's death before the expiration of thirteen contribution weeks;

the interruption shall be disregarded and the employment shall not be treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end upon that termination and shall, subject to the provisions of regulation 3, be treated for that purpose as having continued during the interruption and, where the person has so died, as having come to an end by his death:

Provided that this paragraph shall not apply in a case to which paragraph (5) applies.

(4) The Ministry may, subject to and in accordance with the provisions of regulation 18, extend the period of thirteen weeks referred to in the foregoing provisions of this regulation, and in that event those provisions shall, subject to the provisions of paragraph (5) of regulation 18, apply with the substitution of the extended period for the said period of thirteen weeks and the assurance period shall begin at the end of that extended period and, subject to the provisions of that regulation, end thirteen weeks thereafter.

(5) A person and his employer may, at any time within *the period beginning one month before and ending* thirteen weeks after the termination of a period of contribution liability in relation to the person's employment, together give the Ministry notice in writing that they wish the employment to be treated, for the purpose of the said provisions of Part II of the Act of 1959, as *coming or* having come to an end upon that termination and, if such notice is given (*and, in the case of a notice given in advance of termination, that termination occurs on the date specified in the notice*), the employment shall be treated for that purpose as having come to an end upon that termination:

Provided that this paragraph shall not apply if a new period of contribution liability has begun in relation to the employment without any such notice having been given, or if, after such notice has been given, either the person and the employer together give the Ministry written notice withdrawing the notice under

*The words added by these regulations are shown in italics.