EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations prescribe revised forms to simplify the operation of the Supplementary Eye Services.

1963. No. 124 **[C]**

LOCAL GOVERNMENT SUPERANNUATION

REGULATIONS*, DATED 26TH JUNE, 1963, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT, UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND) 1950.

The Ministry of Health and Local Government, in exercise of the powers conferred on it by section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations in the terms of a draft which has been approved by the Ministry of Finance in accordance with section 7(2) of the afore-mentioned Act:—

Citation and commencement

1. These regulations may be cited as the Local Government Superannuation (Interchange with English Teaching Service) Regulations (Northern Ireland) 1963, and shall come into operation on the 27th June, 1963.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"the Act" means the Local Government (Superannuation) Act (Northern Ireland) 1950;

"the Act of 1925" means the Teachers (Superannuation) Act 1925(**b**);

"the Teachers Acts" means the Teachers (Superannuation) Acts 1918 to 1956;

"the Local Government Superannuation Regulations" means the Local Government (Superannuation) Regulations (Northern Ireland) 1962(**c**);

"added years" means in relation to an officer any additional years of service reckonable by him under regulation 26 of the Local Government Superannuation Regulations and includes any additional years of service which, having been granted under any similar provision contained in any other enactment or scheme, have subsequently become reckonable under the Local Government Superannuation Regulations;

"contributing service" and "non-contributing service" mean service which is reckonable as contributing service or non-contributing service for the purposes of superannuation benefits provided under the Local Government Superannuation Regulations;

"employing authority" has the same meaning as in the Local Government Superannuation Regulations;

(**a**) 1950. c. 10. (**b**) 15 & 16 Geo. 5. c. 59. (**c**) S.R. & O. (N.I.) 1962, No. 210.

*A draft of these regulations was approved by resolutions of the Senate and of the House of Commons on the 25th day of June, 1963.

"the Minister" means the Minister of Education for England and Wales;

"national service", in relation to any person, means service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a), and includes any period immediately following the termination thereof during which the person, with the consent of the authority or body by whom he was employed before undertaking such service, continues in similar service;

"officer" has the same meaning as in the Local Government Superannuation Regulations;

"transfer value" has the same meaning as "accrued superannuation value"; and

"voluntary contributions" means—

(*a*) in relation to a person who has become an officer after leaving employment in which he was a person in contributory service under the Teachers Acts, payments (other than payments required by section 9 of the Act of 1925 and completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) made as a condition of being entitled to reckon any period as contributory service for the purposes of the Teachers Acts; and

(*b*) in relation to a person who has become a person in contributory service under the Teachers Acts after leaving employment in which he was an officer, payments (other than completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) of any of the following categories:—

(i) additional contributory payments made in accordance with the provisions of the second schedule to the Local Government Superannuation Regulations;

(ii) any payments made in respect of added years; and

(iii) any payments of a similar nature which, having been commenced in a previous employment, were continued in his employment as an officer.

(2) In these regulations references to any Act of the Parliament of the United Kingdom or to any provision contained in an order, regulation, rule, scheme or other instrument having effect by virtue of such an Act shall be construed as references to that Act or provision as amended, extended, applied or re-enacted by any other such Act or provision.

Reckoning of previous service

3.—(1) Where a person, without having become entitled to any benefit under the Teachers Acts other than a return of contributions, has become an officer within the prescribed period (as defined in regulation 4) after ceasing to be employed in contributory service under the Teachers Acts, other than service which is treated as contributory service by virtue of its being—

(*a*) approved external service for the purposes of section 13 of the Act of 1925; or

(*b*) treated under any scheme made under section 21(1)(*c*) of the Act of 1925 in the same manner as such approved external service,

then, subject to the provisions of these regulations, he shall be entitled to reckon as contributing service any period which he was entitled to reckon as

(a) 14 & 15 Geo. 6, c. 65.

recognised or contributory service under the Teachers Acts at the date on which he last ceased to be employed in such service:

Provided that—

(i) this regulation shall not apply in relation to any person unless the Committee receive from the Minister in respect of such recognised or contributory service a transfer value calculated in accordance with the rules for the time being in force for that purpose under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(a);

(ii) this regulation shall not apply in relation to any person unless within three months after the date on which he has become an officer or within six months after the date of coming into operation of these regulations, whichever period last expires, or within such longer period as the Committee, with the agreement of the Minister, may in any particular case allow, he notifies the Committee, in writing, that he desires these regulations to apply to him, furnishes them with particulars of any national service in which he has been engaged since he last ceased to be employed in contributory service under the Teachers Acts and pays to them an amount equal to any sum received by him by way of a return of contributions, other than voluntary contributions, on or after last ceasing to be employed in such contributory service, together with an amount equal to any income tax which was deducted from his contributions in respect of such return; and

(iii) this regulation shall not apply in relation to any person who ceased to be employed in such contributory service under the Teachers Acts as aforesaid or became an officer before the date of the coming into operation of these regulations unless—

(*i*) he ceased to hold his former employment not earlier than 1st April, 1950;

(*ii*) the Minister agrees to the payment of a transfer value; and

(*iii*) in the case of a person who is not an officer at the date of the coming into operation of these regulations the Committee agree that this regulation shall apply to him.

(2) In the case of a person to whom paragraph (1) applies—

(*a*) any period of contributory service under any scheme made under section 21(1)(*a*) of the Act of 1925 or any period of service which is treated as contributory service by virtue of its being—

(i) approved external service for the purposes of section 13 of the Act of 1925, or

(ii) treated under any scheme made under section 21(1)(*c*) of the Act of 1925 in the same manner as such approved external service,

shall not be reckonable as service for the purposes of the Local Government Superannuation Regulations, except for the sole purpose of determining whether he is entitled to any benefit thereunder;

(*b*) any period of employment which was qualifying service within the meaning of the Act of 1925 shall be disregarded;

(*c*) any period of employment in recognised or contributory service under the Teachers Acts in respect of which the person received a return of contributions, not being a return of contributions after last ceasing to be employed in contributory service, which he has not subsequently repaid to the Minister under the proviso to section 12(2) of the Act of 1925 shall be disregarded;

(a) 11 & 12 Geo. 6. c. 33.