1962. No. 210 [C]

LOCAL GOVERNMENT SUPERANNUATION

REGULATIONS*, DATED 21ST NOVEMBER, 1962, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT, UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

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*A draft of these Regulations was approved by resolution of the Senate on the 13th day of November, 1962, and by resolution of the House of Commons on the 20th day of November, 1962.

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The Ministry of Health and Local Government (hereinafter referred to as "the Ministry"), in exercise of the powers conferred on it by sub-section (1) of section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950, 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 sub-section (2) of section 7 of the aforementioned Act:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Local Government (Superannuation) Regulations (Northern Ireland), 1962, and shall come into operation on the 1st day of December, 1962.

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 1875" means the County Surveyors Superannuation Act (Ireland), 1875;

"the Act of 1919" means section 8 of the Local Government (Ireland) Act, 1919;

"the Act of 1937" means the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937, as the case may be;

"the Act of 1953" means the Local Government Superannuation Act, 1953;

"the Superannuation Acts" means the Superannuation Acts, 1834 to 1950, and any Act amending those Acts, or, as the case may be, the Superannuation Acts, 1834 to 1919, as applied to the civil service of Northern Ireland, and the Superannuation Acts (Northern Ireland), 1921 to 1958;

"the Teachers Act" means the Teachers (Superannuation) Act (Northern Ireland), 1950;

"1923 Act scheme" has the same meaning as in the Teachers Act;

"1936 scheme" means the Teachers (Public Elementary) Superannuation (Amendment) Scheme, 1936, the Teachers (Secondary and Preparatory) Superannuation (Amendment) Scheme, 1936, or the Teachers (Agricultural and Technical) Superannuation (Amendment) Scheme, 1936, as the case may be;

"1940 scheme" means the Teachers' (Public Elementary) Superannuation (Amendment) Scheme, 1940, the Teachers' (Secondary and Preparatory) Superannuation (Amendment) Scheme, 1940, or the Teachers' (Agricultural and Technical) Superannuation (Amendment) Scheme, 1940, as the case may be;

"the 1950 regulations" means the Local Government (Superannuation) Regulations (Northern Ireland), 1950;

"the English or Scottish Local Government regulations" means the Local Government Superannuation (Benefits) Regulations, 1954, or, as the case may be, the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954;

"the Health Services regulations" means any regulations for the time being in force under section 61 of the Health Services Act (Northern Ireland), 1948, section 67 of the National Health Service Act, 1946, or section 66 of the National Health Service (Scotland) Act, 1947;

"the Belfast Corporation Superannuation Scheme" means the superannuation scheme made by the council of the county borough of Belfast under section 5A of the Act;

"actuary" means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;

"added years" means any additional years reckonable by virtue of regulation 26 and includes any additional years which, having been granted thereunder or under any similar provision contained in any other enactment or scheme, have subsequently become reckonable under or by virtue of any enactment by an officer in relation to any such employment as is mentioned in paragraph (3) of regulation 18;

"additional contributory payment" means any payment made for the purposes of regulation 22, paragraphs (3) and (4) of regulation 25 and regulations 27 and 28, any payment made for the purposes of the following provisions of the 1950 regulations, namely, paragraphs (8), (9) and (13) of regulation 15 and paragraph (4) of regulation 16 and any payment made for the purposes of paragraph (2) of regulation 2 of the Local Government Superannuation (Northern Ireland and Great Britain) Regulations (Northern Ireland), 1952;

"appointed day" means the 1st day of April, 1950;

"approved course of study or training" in relation to any person means a course of study or training approved for the purposes of these regulations by the Committee on the written application of that person made before or within three months after the commencement of the course or within such longer period as the Committee may in any particular case allow;

"average remuneration" has the meaning assigned to it by regulation 32;

"Belfast Corporation" means the council of the county borough of Belfast;

"contributing service" means service which is reckonable as contributing service in accordance with regulation 25, 27, 28 or 30 and includes any added years reckonable in accordance with regulation 26 or 29;

"contributory employee" has the same meaning as in the Act of 1937;

"death gratuity" means a death gratuity payable under regulation 14;

"employing authority" means the Committee, a local authority other than the Belfast Corporation, or a designated body;

"established service" means service in the capacity of a civil servant for the purposes of the Superannuation Acts, and the term "established civil servant" shall be construed accordingly;

"excepted officer" means a person who at the date when he ceases to be employed or ceases to be an officer without ceasing to be employed is entitled to reckon as service for the purposes of these regulations any period prior to the date of coming into operation of these regulations, being a period during which he was an officer or a

person subject to the Belfast Corporation Superannuation Scheme, and who has remained since the date of coming into operation of these regulations without a break of twelve months or more at any one time an officer or a person subject to the Belfast Corporation Superannuation Scheme:

Provided that for the purposes of this definition no account shall be taken of any service which becomes reckonable by the making of additional contributory payments;

"existing officer" has the same meaning as in paragraph (*a*) of sub-section (1) of section 3 of the Act except that it also includes such a person as is mentioned in sub-section (2) of section 6B of the Act;

"health authority" means a health authority constituted under section 1 of the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946;

"health service employee" means a person who has been duly admitted to participate in the benefits of the Health Services regulations;

"injury allowance" means an injury allowance payable under regulation 11;

"judicially separated" means judicially separated in circumstances in which the husband is not required by the order of any competent court to contribute to the support of his wife, and any such reference and any similar reference to judicial separation includes a reference to separation by an order made under the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945, having by virtue of section 3 of that Act the effect of a decree of judicial separation on the ground of cruelty;

"local Act authority" and "local Act scheme" have the same meanings respectively as in the Act of 1937;

"local Act contributor" has the same meaning as in the Act of 1937 and includes a person who, although not in the employment of a local Act authority, was entitled to participate in the benefits of a superannuation fund maintained under a local Act scheme;

"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, 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;

"national service pay", in relation to the remuneration to which any person would have been entitled if he had continued in any former employment during the period of his national service, means his pay (including marriage, family and other similar allowances) in respect of his national service or, in the case of a person who immediately before he entered upon national service was employed not only in that employment but also in any other employment or employments in relation to which it is necessary to ascertain his pay in respect of his national service, an amount which bears the same proportion to his pay (including marriage, family and other similar allowances) in respect of his national service as the remuneration to which he would have been entitled if he had continued in the first mentioned employment bears to the total remuneration to which he would have been entitled if he had continued in both or all such employments as aforesaid;

"non-contributing service" means service which is reckonable as non-contributing service in accordance with paragraph (5) of regulation 25;