1961. No. 169 [C]

NATIONAL INSURANCE

Non-participation—Assurance of Equivalent Pension Benefits

REGULATIONS, DATED 31ST JULY, 1961, 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 sub-section (8) of section 6, sub-sections (3) and (4) of section 8 and sub-section (2) of section 12 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), 1961, 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 7th August, 1961.

Amendment of regulation 3 of the principal regulations

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

(2) At the end of the proviso to the said regulation 3 there shall be added the following paragraph:

"(*c*) where a person's period of service in a non-participating employment would fall to be treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end but for the provisions of sub-section (4) of section 8 of that Act (which sub-section provides that, for the purpose of any liability to make a payment in lieu of contributions, two employments are in certain cases to be treated as a single continuous employment), the employer in the previous employment may give notice under this regulation not later than the end of the assurance period relating to that employment."

Amendment of regulation 4 of the principal regulations

3.—(1) Regulation 4 of the principal regulations (which relates to 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 the Second Schedule.

(2) At the end of paragraph (i) of the proviso to the said regulation 4 there shall be inserted the words "or if the Ministry has so directed under regulation 11A".

(**a**) 1959, c. 21. (**b**) S.R. & O. (N.I.) 1960, No. 181.

Amendment of regulation 7 of the principal regulations

4. Paragraph (2) of regulation 7 of the principal regulations (which paragraph provides for a certificate of assurance required by that regulation to be delivered to any person to be treated as duly delivered if sent by registered post) shall be amended by the insertion after the words "registered post" of the words "or by recorded delivery service".

Amendment of regulation 11 of the principal regulations

5.—(1) Regulation 11 of the principal regulations (which relates to the certificate to be furnished where two employments are to be treated for the purpose of any liability to make a payment in lieu of contributions as a single continuous employment) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Third Schedule.

(2) In paragraph (1) of the said regulation 11 after the words "the same recognised superannuation scheme relates to both" there shall be inserted the words "or where the Ministry has given a direction to the contrary under regulation 11A", and in paragraph (2) of the said regulation 11 for the word "paragraph" where it first occurs there shall be substituted the word "regulation".

(3) Paragraph (3) of the said regulation 11 shall be omitted and is hereby revoked.

Addition to the principal regulations

6. After regulation 11 of the principal regulations there shall be inserted the following new regulation:

"*Exemption from duty to give notice of end of employment or certificate under regulation* 11

11A. Where, apart from this regulation, a certificate is required to be given and delivered under regulation 11, the Ministry may, where either—

(*a*) the recognised superannuation scheme relating to the new employment is a statutory scheme; or

(*b*) both employments are under the same employer, but the same recognised superannuation scheme does not relate to both; or

(*c*) the same recognised superannuation scheme relates to both employments, but the previous employment and the new employment are under different employers;

by a direction in writing in such cases as it may direct and subject to such conditions as it may impose exempt the employer in the previous employment from his duty to give a notice of the end of that employment under regulation 4 or (whether so exempting that employer or not) dispense with or modify the requirements of regulation 11 concerning the giving and delivery of a certificate thereunder."

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 31st day of July, nineteen hundred and sixty-one.

(L.S.)

H. A. Lowry,
Assistant Secretary.