1961. No. 60 **[C]**

NATIONAL INSURANCE

Modification of Fire Officers' and Firemen's Pensions Provisions

REGULATIONS, DATED 16TH MARCH, 1961, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SUB-SECTION (4) OF SECTION 66 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946, AS EXTENDED BY SECTION 14 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1959.

Whereas the Ministry of Finance has determined under sub-section (4) of section 66 of the National Insurance Act (Northern Ireland), 1946(**a**), that the Ministry of Home Affairs is the appropriate department to make regulations under that sub-section modifying a scheme for the provision of pensions and other benefits made under section 10 of the Fire Services (Amendment) Act (Northern Ireland), 1950(**b**):

Now, therefore, the Ministry of Home Affairs, in exercise of the powers conferred by the said sub-section (4), as extended by section 14 of the National Insurance Act (Northern Ireland), 1959(**c**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation

1. These Regulations may be cited as the National Insurance (Modification of Fire Officers' and Firemen's Pensions Provisions) Regulations (Northern Ireland), 1961.

Awards to which Regulations apply

2. These Regulations shall apply to pensions, gratuities and other awards, other than supplemental pensions, granted to or in respect of members on retirement or dismissal on or after the 3rd April, 1961, under the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland), 1955(**d**).

Allocation, assignment, reduction, suspension and withdrawal

3.—(1) Except for such causes as may be prescribed by regulations made under paragraph (c) of sub-section (1) of section 7 of the National Insurance Act (Northern Ireland), 1959, the secured portion of a pension to which these Regulations apply shall not be capable of being withdrawn or, save as respects any period before pensionable age, suspended.

(2) Without prejudice to the generality of paragraph (1), as respects a pension to which these Regulations apply—

(*a*) sub-paragraph (2) of paragraph 37 of the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland), 1955 (which relates to the cancellation of ill-health and supplemental pensions), shall apply only to the unsecured portion of the pension, but where, but for the provisions of this sub-paragraph, the whole pension would cease, the secured portion shall not be payable in respect of any period before insured pensionable age;

(*b*) paragraph 39 of the said Schedule (which relates to the taking into account, for the purpose of assessing a pension, of compensation under

(**a**) 1946 c. 23.
(**b**) 1950 c. 4.
(**c**) 1959 c. 21.
(**d**) S.R. & O. (N.I.) 1955, No. 181.

the Criminal Injuries (Ireland) Acts) shall apply only to the unsecured portion of the pension, and to the secured portion of the pension in respect of any period before insured pensionable age;

(*c*) the provisions of paragraph 41 of the said Schedule (which relates to the withdrawal of a pension during employment by a local authority) shall apply only to the unsecured portion of the pension, and to the secured portion of the pension in respect of any period before insured pensionable age;

(*d*) the provisions of paragraph 42 of the said Schedule (which relates to the temporary or permanent withdrawal of a pension for misconduct) shall apply only to the withdrawal, whether temporary or permanent, of the unsecured portion of the pension, and to the temporary withdrawal of the secured portion of the pension for a period before insured pensionable age or during the imprisonment or detention in legal custody of the pensioner; and the Authority, in determining under the said paragraph 42 whether withdrawal shall be permanent or temporary and affect the pension in whole or in part, may make different determinations in respect of the secured and unsecured portions of the pension;

(*e*) paragraph 46 of the said Schedule (which relates to the assignment of or charge on a pension) shall have effect so that any such assignment of or charge on the pension, made for the family of the pensioner and with the consent of the Authority, shall apply only to the unsecured portion of the pension and to the secured portion of the pension in respect of any period before insured pensionable age;

(*f*) sub-paragraph (1) of paragraph 47 of the said Schedule (which relates to the application of a sum due on account of a pension in satisfaction of certain debts) shall apply only to a sum due on account of the unsecured portion of a pension or due in respect of any period before insured pensionable age on account of the secured portion of the pension;

(*g*) paragraph 54 of the said Schedule (which relates to the allocation of part of a pension) shall have effect so that any such allocation shall not exceed the unsecured portion of the pension;

(*h*) paragraph 3 of Part IIA of Appendix I to the said Schedule (which provides for the payment to an ill-health pensioner who does not resume service on cancellation of his pension of an amount equal to the excess, if any, of his aggregate pension contributions over the payments made to him in respect of the pension) shall have effect as if—

(i) the reference therein to the cancellation of an ill-health pension were a reference to the cancellation of the unsecured portion of such a pension, and

(ii) the reference therein to the aggregate amount paid to him in respect of the pension were a reference to that amount and the actuarial value of the secured portion of the pension, in so far as it is payable under sub-paragraph (*a*), determined in accordance with tables prepared by the Authority; and

(*i*) Part III of the said Appendix I (which relates to reductions in ordinary, ill-health and short-service pensions in respect of periods beyond insured pensionable age) shall apply only to the unsecured portion of the pension.

Reduction of award other than pension where payment in lieu of contributions falls to be made

4.—(1) Where a payment in lieu of contributions falls to be made in respect of a member's service in the force and—

(*a*) a short-service gratuity is payable on his retirement, or

(*b*) an ill-health gratuity is so payable and the Authority determines that the provisions of this Regulation shall apply, or

(*c*) an amount equal to his aggregate pension contributions in respect of the relevant period of service is payable to him or his dependents on his retirement or dismissal,

the award in question shall be reduced by an amount equal to the amount which could be retained out of the award under sub-section (4) of section 9 of the National Insurance Act (Northern Ireland), 1959, if the award were a refund of payments to which that sub-section applies.

(2) Where a payment in lieu of contributions may fall to be made in respect of a member's service in the force and such an award as is mentioned in paragraph (1) is payable as mentioned therein, the Authority may reduce the amount of the award in question by the amount by which it would be reduced under the said paragraph if the payment in lieu of contributions in fact fell to be made, so however that, if the said payment does not fall to be made within the period of seventy-eight weeks from the date when the person ceases to be a member or within such shorter period as the Authority may determine, then any reduction under this paragraph in the amount of the award shall cease to have effect and the difference between the full and the reduced amounts thereof shall become payable.

(3) Without prejudice to the generality of paragraphs (1) and (2) the provisions of paragraph 7 and of sub-paragraph (4) of paragraph 45 of the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland), 1955, and of Part IIA of Appendix I thereto (which provisions relate to the amount and payment of the awards mentioned in the said paragraph (1)) shall have effect subject to the provisions of the said paragraphs (1) and (2).

Abatement of pension in relation to participating service otherwise than as a member

5.—(1) Where a person in receipt of a pension to which these Regulations apply has been in service or employment otherwise than as a member—

(*a*) in respect of which he was subject to superannuation arrangements;

(*b*) by virtue of which he is entitled to reckon pensionable service for the purposes of the pension; and

(*c*) the period of which includes a participating period of relevant employment;

then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the National Insurance Act, 1959(**a**), or the National Insurance Act (Northern Ireland), 1959, shall apply, subject to the necessary adaptations and modifications, as though the provision were contained in these Regulations and as if—

(a) 7 & 8 El. 2. c. 47.