Provided that until the expiration of the thirty-first day of December, 1962, a person shall be deemed to be so trained if at any time during the period of ten years immediately preceding the date of the making of this Order he was the holder of a certificate in first-aid treatment issued by a training organisation.

4. In factories where the persons in charge of the first-aid boxes or cupboards are required under sub-section (3) of section 46 of the principal Act to be persons trained in first-aid treatment the following particulars shall be entered in or attached to the general register as respects every person in charge of a first-aid box or cupboard, namely—

(*a*) that person's name;

(*b*) the nature and date of his qualification as a person trained in first-aid treatment; and

(*c*) the date on which evidence of his being so trained was inspected by the occupier.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 21st day of November, nineteen hundred and sixty.

(L.S.) *R. W. Steele,*
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order prescribes the conditions that have to be satisfied before persons can be deemed to be trained in first-aid treatment for the purposes of sub-section (3) of section 46 of the Factories Act (Northern Ireland), 1938; and, in the case of certain factories, requires particulars relating to persons so trained to be entered in or attached to the general register.

1960. No. 181 **[C]**

NATIONAL INSURANCE

Non-participation—Assurance of Equivalent Pension Benefits

REGULATIONS, DATED 21ST NOVEMBER, 1960, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 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

section 50 of the National Insurance Act (Northern Ireland), 1946(**a**), and sections 6, 8, 9 and 12 of the National Insurance Act (Northern Ireland), 1959(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations (Northern Ireland), 1960, shall come into operation on the 1st December, 1960.

(2) In these regulations—

"the Act" means the National Insurance Act (Northern Ireland), 1946;

"the Act of 1959" means the National Insurance Act (Northern Ireland), 1959;

"the Benefits and Schemes Regulations" means the National Insurance (Non-participation—Benefits and Schemes) Regulations (Northern Ireland), 1960(**c**);

"the Ministry" means the Ministry of Labour and National Insurance;

"appropriate recognised superannuation scheme" means, in relation to a person whose period of service in a non-participating employment has come to an end, the recognised superannuation scheme by virtue of which the certificate under Part II of the Act of 1959 relating to the employment was in force immediately before the end of that period;

"statutory scheme" means a recognised superannuation scheme established by Act of Parliament or of the Parliament of the United Kingdom or other instrument having the force of law;

"non-statutory scheme" means a scheme or arrangement which is a recognised superannuation scheme other than a statutory scheme;

"responsible paying authority" means

(*a*) in relation to a statutory scheme, the authority responsible for payment of retirement benefits thereunder, and

(*b*) in relation to a non-statutory scheme, being a scheme under which the retirement benefits, or such part of them as has to be taken into account to constitute them equivalent pension benefits, are secured by contract of assurance or annuity contract made with such body as is required by sub-paragraph (*b*) of paragraph (1) of regulation 3 of the Benefits and Schemes Regulations, (including any body or person authorised by the registrar under paragraph (2) of that regulation), that body:

Provided that this head shall not apply where the said benefits are payable out of a superannuation fund approved by the Commissioners of Inland Revenue for the purposes of section 379 of the Income Tax Act, 1952(**d**), (which relates to approved superannuation funds); and

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(**a**) 1946. c. 23. (**b**) 1959. c. 21.
(**c**) S.R. & O. (N.I.) 1960, No. 21 as amended by S.R. & O. (N.I.) 1960, No. 149.
(**d**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.

(*c*) in relation to a non-statutory scheme to which the foregoing head does not apply, the trustees:

Provided that, in relation to any provision of these regulations for a certificate to be given by the responsible paying authority, the reference in this head to the trustees shall be deemed to include a reference to any person or body having power to authorise the payment of retirement benefits under the scheme, whether described as trustees or not;

"period of contribution liability" means, in relation to any person's employment, any continuous period of one or more contribution weeks for which the employer of that person is liable to pay weekly employer's contributions in respect of that employment, and includes any such period for which he would be so liable but for the provisions of sub-section (1) of section 4, and of any regulations made under paragraph (*a*) of sub-section (1) of section 8, of the Act (which relate respectively to the number and class of contribution for any week and to persons to be treated as employers);

"assurance period" means, in relation to an insured person's period of service in a non-participating employment, subject to the provisions of regulations 2 and 18, the period beginning thirteen weeks and ending twenty-six weeks after the end of that period of service.

PART II

INTERRUPTION AND END OF SERVICE, AND TIME FOR PAYMENT IN LIEU OF CONTRIBUTIONS

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 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 having come to an end upon that termination and, if such notice is given, 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 but before a payment in lieu of contributions has been made in respect of the person's period of service, either the person and the employer together give the Ministry written notice withdrawing the notice under this paragraph or the person dies.

(6) If either—

(*a*) a person's employment becomes a non-participating employment in the course of his service in it, and a period of contribution liability in relation to that employment is not then current; or

(*b*) in any other case, the beginning of a person's period of service in a non-participating employment occurs in such circumstances as not to fall in a period of contribution liability in relation to that employment;

and in either case no such period of contribution liability has begun before the end of the first contribution week beginning in his period of service in non-participating employment, the foregoing provisions of this regulation shall apply as if the termination of a period of contribution liability had occurred immediately before the beginning of that contribution week.

(7) Nothing in the foregoing provisions of this regulation shall prevent a person's period of service in a non-participating employment from being treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end when either—

(*a*) the employment ceases to be a non-participating employment; or

(*b*) the employer dies and the employment is not treated under regulations made under that Act as continuing under a new employer;

unless in either of those events the period of service falls, under the said foregoing provisions, to be treated for that purpose as having come to an end at some earlier date.

Employment not treated as continuing during interruption

3. A person's employer may, after the end of that person's period of service in a non-participating employment and not later than the end of the assurance period, give the Ministry notice in writing that he wishes the employment not 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 of service, as having continued during such number of contribution weeks as may be specified in the notice, being contribution weeks during which it would, apart from this regulation, fall, under paragraph (3) of regulation 2, to be treated for that purpose as having continued, and, if such a notice is given, the employment shall not be so treated as having continued during those weeks:

Provided that—

(*a*) no such notice shall include any contribution weeks in a contribution year where the number of contribution weeks in that year during which the employment would so fall to be treated as having continued is three or less; and

(*b*) where that number of contribution weeks exceeds three, at least three of those weeks shall be excluded from the notice.

Notice of end of employment

4. Where a person's period of service in a non-participating employment—

(*a*) falls 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; or

(*b*) would fall to be so treated for that purpose 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);

it shall be the duty of the employer to give the Ministry notice in writing to that effect within the assurance period:

Provided that—

(i) this regulation shall not apply where notice under paragraph (5) of regulation 2 has been given by the person and his employer, or, in a case such as is referred to in paragraph (*b*), if both employments are under the same employer and the same recognised superannuation scheme relates to both; and

(ii) a notice of application for an extension or further extension of the period of thirteen contribution weeks referred to in paragraphs (2) and (3) of regulation 2 shall, if the application is not granted, be deemed to be a notice for the purpose of this regulation.

Form of Notices

5. Any notice required or authorised to be given to the Ministry under this Part shall be given on a form approved by the Ministry for the purpose or in such other manner (being in writing) as it may accept as sufficient in the circumstances of the case.

Time for payment in lieu of contributions

6. A payment in lieu of contributions in respect of an insured person, who, when his period of service in a non-participating employment comes to an end otherwise than by his death, is not assured of equivalent pension benefits in respect of that period, shall become due at the end of the assurance period.