Rural District Councils—Clerks and Assistant Clerks

REGULATIONS, DATED 22ND JULY, 1952, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION EIGHTEEN OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND), 1934.

1952. No. 126

The Ministry of Health and Local Government for Northern Ireland (in these Regulations referred to as " the Ministry "), in exercise of the powers vested in it by section eighteen of the Local Government Act (Northern Ireland), 1934 and of every other power in that behalf enabling the Ministry, hereby makes the following regulations :—

1.—(1) These Regulations may be cited as the Rural District Councils (Officers Qualifications) Regulations (Northern Ireland), 1952.

(2) The Interpretation Act, 1921 shall apply for the purpose of the Interpretation of these Regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2. In sub-paragraph (ii) of paragraph (*a*) of Regulation 2 of the Unions and Rural District Councils (Officers Qualifications) Regulations (Northern Ireland), 1946 (a), after the words " the Chartered Institute of Secretaries ", there shall be added the words " The Corporation of Certified Secretaries, Limited ".

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-second day of July One thousand nine hundred and fifty-two.

(L.S.) *W. McCaughey*,
Assistant Secretary.

Superannuation

REGULATIONS*, DATED 8TH MAY, 1952, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

1952. No. 70

The Ministry of Health and Local Government for Northern Ireland (hereinafter referred to as " the Ministry ") in exercise of the powers conferred on it by sub-section (5) of Section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950, hereby makes the following Regulations :—

1.—(1) These regulations may be cited as the Local Government Superannuation (Northern Ireland and Great Britain) Regulations

(a) S. R. & O. (N.I.), 1946 No. 54.

* A draft of these Regulations was approved by Resolutions of the Senate and of the House of Commons on the 6th day of May, 1952.

(Northern Ireland), 1952, and shall come into operation on the sixth day of May, 1952.

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

" 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 1948 " means the Superannuation (Miscellaneous Provisions) Act, 1948 ;

" the Committee " means the Northern Ireland Local Government Officers' Superannuation Committee ;

" the Northern Ireland regulations " means regulations made by the Ministry under sub-section (1) of Section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950 ;

" contributory employee " in relation to a Northern Ireland employing authority means an employee whether permanent or temporary who has been duly admitted to participate in the benefits of the superannuation scheme administered by the Committee ;

" 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 ;

" Northern Ireland employing authority " means an employing authority within the meaning of the Northern Ireland regulations ;

" pensionable employee " means a person employed in employment by virtue of which he is or is deemed to be a contributory employee or local Act contributor within the meaning of the Act of 1937, or in employment (not being such employment as aforesaid) by virtue of which he is entitled to participate in any of the benefits of a superannuation fund maintained under a local Act scheme within the meaning of the Act of 1937 ; and

" war service " in relation to Northern Ireland means war service within the meaning of the Local Government Staffs (War Service) Act (Northern Ireland), 1939, or service in any of the naval, military, or air forces of the Crown, or employment for war purposes, within the meaning of the Superannuation Schemes (War Service) Act (Northern Ireland), 1941, and in relation to England and Wales or Scotland means war service within the meaning of the Local Government Staffs (War Service) Act, 1939, but does not include, in the case of a person who before the termination of his war service made a claim under Section 10

of the Act of 1937 or any corresponding provision of a local Act scheme for the return of contributions made by him for superannuation purposes, any part of his war service after the date on which the claim was made.

(3) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2.—(1) Where a person becomes, or has become before the date of the coming into operation of these regulations, a contributory employee of a Northern Ireland employing authority within a period of twelve months after the date on which he ceased to be a pensionable employee, or if he ceased to be a pensionable employee in order to undertake war service or national service, within a period of six months after the termination of that service, then, if the Committee receive out of the superannuation fund to which he was a contributor as a pensionable employee, a transfer value calculated in accordance with a method approved by the Ministry in respect of the service which the person was entitled to reckon for the purposes of the Act of 1937 or a local Act scheme immediately before he ceased to be a pensionable employee, he shall be entitled to reckon that service for the purposes of the Northern Ireland regulations, if it was contributing service or service for the purposes of a local Act scheme, as contributing service, and if it was non-contributing service as non-contributing service, and he shall also be entitled to reckon for the purpose of determining whether any benefit is payable to or in respect of him under the Northern Ireland regulations any service which would have been reckonable for the purpose of determining whether any benefit was payable to or in respect of him under the Act of 1937, or the local Act scheme.

Provided that —

(*a*) this regulation shall not apply in relation to any person unless within three months after entering the employment of the Northern Ireland employing authority, or, if he entered that employment before the date of the coming into operation of these regulations, within six months after that date, he notifies the Committee in writing that he desires these regulations to apply to him, furnishes them with particulars of his previous pensionable employment and war service or national service (if any) and pays to them an amount equal to any sum paid to him by way of a return of contributions (not being contributions made voluntarily for the purpose of securing benefits for his widow, children or other dependants) on or after his ceasing to hold his former employment ;

(*b*) this regulation shall not apply in relation to any person who became a contributory employee of a Northern Ireland employing authority before the date of the coming into operation of these regulations unless he ceased to hold his

former employment not earlier than the fourth day of February, 1948, and he has served as such an employee without a break of more than twelve months at any one time, excluding any period of war service or national service, after ceasing to hold his former employment ;

(*c*) the transfer value payable in respect of a person who ceased to hold his former employment more than twelve months before the date of the coming into operation of these regulations shall be calculated by reference to his age at that date ;

(*d*) the reference in this regulation to a period of twelve months from the date on which a person ceased to be employed shall be construed in relation to a person to whom section 6 of the Act of 1948 has become applicable as a reference to a period of five years from that date or such longer period as the Minister of Housing and Local Government may in any particular case allow;

(*e*) where a person to whom this regulation has become applicable was in his pensionable employment a part-time employee and held no other pensionable employment, the period of his service as such part-time employee shall be treated for the purposes of this regulation as if it had been whole-time service for a proportionately reduced period ;

(*f*) where any service of a person to whom this regulation has become applicable would have been reckonable for the calculation of benefits as non-contributing service under the Act of 1937 at a higher rate than one one-hundred-and-twentieth or one one-hundred-and-sixtieth of his emoluments as the case may be in respect of each completed year or part of a year exceeding six months of that service, then, for the purposes of this regulation, except for the purpose of determining whether any benefit is payable to or in respect of him under the Northern Ireland regulations, that service shall be treated as though it had been contributing service of such proportion of the actual length of that service as is obtained by multiplying the number of years of its actual length by sixty or eighty as the case may be and dividing the product by the denominator of the fraction constituting such higher rate as aforesaid ; and

(*g*) in taking account of any service for the purpose of a local Act scheme regard shall be had to the provisions of paragraph 4 and paragraph 5 of the Local Government Superannuation (Reckoning of Service on Transfer) Regulations, 1939, (**a**) or of the Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations, 1939, (**b**)

(a) S. R. & O. 1939 No. 55.
(b) S. R. & O. 1939 No. 577/S.52.