one exception a medical board shall consist of two members) a medical board to which there is referred any question to which this Part of these regulations applies may consist of three members and the decision of such a board, if not unanimous, shall be that of the majority of such members.

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EXPLANATORY NOTE

*(This note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations amend the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1948, so as to enable a claimant to appeal from, or the Ministry to refer, a decision of a medical board on a diagnosis or recrudescence question relating to any prescribed disease other than pneumoconiosis or byssinosis. Hitherto the decision of a medical board on such a question has been final. The appeal or reference is to a medical appeal tribunal and the right will apply to decisions given on or after the date of the coming into operation of these regulations. The regulations also make provision for the review of decisions made by medical appeal tribunals on such questions.

**1959. No. 10**

This Order has been exempted from printing by regulations (S.R. & O. 1958, No. 195) made under the Statutory Rules Act (Northern Ireland), 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading PUBLIC HEALTH.

**1959. No. 11** **[C]**

## LOCAL GOVERNMENT (SUPERANNUATION) AMENDMENT

REGULATIONS*, DATED THE 28TH DAY OF JANUARY, 1959, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 2 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

The Ministry of Health and Local Government for Northern Ireland in exercise of the powers conferred on it by sub-section (1) of Section 2 and sub-section (2) of Section 6B of the Local Government (Superannuation) Act (Northern Ireland), 1950, hereby makes the following Regulations:—

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* A draft of these Regulations was approved by resolutions of the Senate and of the House of Commons on the 27th day of January, 1959.

**1.**—(1) These Regulations may be cited as the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland), 1959, and shall be deemed to have come into operation on the appointed day.

(2) These Regulations and the Local Government (Superannuation) Regulations (Northern Ireland), 1950(**a**), the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland), 1950(**b**) and the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland), 1952(**c**) shall be construed as one and may be cited together as the Local Government (Superannuation) Regulations (Northern Ireland), 1950 to 1959.

(3) The Local Government (Superannuation) (Amendment) Regulations (Northern Ireland), 1954(**d**), are hereby revoked.

(4) In these Regulations, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them—

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

"regulation" means regulation contained in the principal regulations.

2. In regulation 1—

(*a*) after the definition of "appointed day" there shall be inserted the following definition:—

"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 Ministry on the written application of that person made before or within three months after the commencement of the course;

(*b*) after the definition of "average remuneration" there shall be inserted the following definition:—

"Belfast Corporation" means the Council of the County Borough of Belfast;

(*c*) for the definition of "existing officer" there shall be substituted the following definition:—

"existing officer" means any officer employed by an employing authority immediately before the appointed day and holding an office pensionable under the Act of 1865, the Act of 1869, the Act of 1875, the Act of 1919, or any local Act, or any officer of the Northern Ireland Fire Authority other than a fire officer or fireman who before being appointed such an officer was an officer of a fire authority constituted under the Fire

(**a**) S.R. & O. (N.I.), 1950, No. 103.
(**b**) S.R. & O. (N.I.), 1950, No. 225.
(**c**) S.R. & O. (N.I.), 1952, No. 113.
(**d**) S.R. & O. (N.I.), 1954, No. 78.

Services Act (Northern Ireland), 1947, and who had not attained the age of sixty years on the appointed day;

(*d*) after the definition of "local authority" there shall be inserted the following definitions:—

"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(a) and includes any period immediately following the termination thereof during which the person, with the consent of the employing authority 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;

3. For regulation 3 there shall be substituted the following—

"**3.**—(1) On and after the appointed day the following officers of an employing authority, other than fire officers and firemen of the Northern Ireland Fire Authority, or persons who are eligible for superannuation benefit under the Teachers (Superannuation) Acts (Northern Ireland), 1950 and 1951, shall be entitled to participate in the benefits of the superannuation fund maintained under these regulations and persons so entitled shall contribute to that fund in accordance with the provisions of regulation 5, provided that an officer other than an existing officer shall not be entitled to participate in the benefits of the superannuation fund or be required to contribute thereto unless or until he has attained the age of eighteen years, or subject to the provisions of regulation 15(7), in the case of an officer referred to in sub-paragraphs (*c*) and (*f*) unless or until the period of two years therein mentioned has expired—

(*a*) every whole-time officer whose duties are wholly or mainly administrative, professional, technical or clerical;

(a) 14 & 15 Geo. 6, c. 65.

(*b*) any other whole-time officer who enters their employment within twelve months after leaving any such employment as is mentioned in regulation 15(3) or if he left that employment in order to undertake war service or if immediately after leaving that employment he became engaged in national service, within six months after the termination of that service;

(*c*) any other whole-time officer, upon the expiration of a period of two years after attaining the age of eighteen years, without a break of more than one month at any one time, in the employment of that or any other employing authority, as such whole-time officer or as such a part-time officer as is mentioned in sub-paragraph (*f*);

(*d*) any part-time officer whose duties are wholly or mainly administrative, professional, technical or clerical, and who devotes the rest of his time to employment under an employing authority or to superannuable employment under an authority subject to a superannuation scheme with which interchange arrangements are in force;

(*e*) any other part-time officer who enters their employment within twelve months after leaving any such employment as is mentioned in regulation 15(3), or if he left that employment in order to undertake war service or if immediately after leaving that employment he became engaged in national service, within six months after the termination of that service, and who devotes the rest of his time to such employment as is mentioned in sub-paragraph (*d*);

(*f*) any other part-time officer who devotes the rest of his time to such employment as is mentioned in sub-paragraph (*d*), upon the expiration of a period of two years after attaining the age of eighteen years, without a break of more than one month at any one time in any of his employments as such part-time officer or as such whole-time officer as is mentioned in sub-paragraph (*c*); and

(*g*) any registration officer;

and the term " officer " shall be construed accordingly:

Provided that these regulations shall not apply to an officer, other than an existing officer, who is such a professional or technical officer as is hereinafter mentioned, or such an officer as is referred to in sub-paragraph (*b*), (*c*), (*e*) or (*f*) if he gives written notice to his employing authority that he does not wish to avail himself of the benefits provided by these regulations not later than

(i) in the case of any such officer to whom sub-paragraph (*c*) or (*f*) applies, one month after the date upon which the regulations would, but for the provisions of this proviso have applied to him;

(ii) in the case of any other such officer, three months after the commencement of his employment.

For the purposes of the foregoing proviso, "such a professional or technical officer" means a professional or technical officer who, in the opinion of the employing authority, should, by reason of the temporary nature of his employment with the authority, be entitled to elect that the regulations shall not apply to him.

Provided also that the regulations shall not apply to an officer in the employment of the Northern Ireland Fire Authority immediately before the first day of May, 1954, unless, not later than the thirtieth day of June, 1954, he elects that the regulations shall apply to him and, if he so elects, he shall thereupon be entitled, on payment into the superannuation fund of the employee's contributions calculated in accordance with regulation 5, to count as contributing service the period of employment represented by such contributions, provided that the Northern Ireland Fire Authority also pays the appropriate contributions into the fund in accordance with regulation 6.

(2) Every such officer as is mentioned in sub-paragraph (*g*) of paragraph (1) shall be deemed for the purposes of these regulations to be an officer in the employment of the employing authority discharging registration functions in relation to the district in or for which the officer acts:

Provided that nothing in these regulations shall affect any power of the Registrar-General to remove a registration officer from office."

4. In regulation 5—

(*a*) in paragraph (3) the word "sickness" shall be omitted and the word "Acts" substituted for "Act";

(*b*) After paragraph (7) the following new paragraph shall be added:—

"(8) Notwithstanding any other provisions of these regulations, a person who after leaving employment under an employing authority became engaged in national service shall, as a condition of becoming entitled to reckon any of that service for the purposes of these regulations, make the like contributions under this regulation (if any) as he would have been liable to make if he had continued to follow that employment and to have been entitled to the remuneration thereof:

Provided that—

(*a*) in the case of a person who has received a return of contributions on or after leaving such employment, nothing in this paragraph shall require the payment of contributions after the date of such return;

(*b*) nothing in this paragraph shall require the payment of contributions by a person in respect of any period of national service if his national service

pay in respect of that period, together with any sum which the employing authority by whom he was formerly employed may resolve to pay to or in respect of him in supplementation of that national service pay, is less than the remuneration to which he would have been entitled in respect of that period if he had continued in his former employment, after the deduction therefrom of an amount equivalent to the contributions which he would in that event have been liable to make thereon; and

(*c*) in the case of a person whose national service pay in respect of any period of national service, together with any such sum as aforesaid in respect of that period, is less than the remuneration to which he would have been entitled in respect of that period if he had continued in his former employment but is greater than such remuneration after the deduction therefrom of an amount equivalent to the contributions which he would in that event have been liable to make thereon, nothing in this paragraph shall require contributions to be made by that person in respect of that period exceeding the difference in respect of that period between his national service pay, together with any such sum as aforesaid, and the amount of such remuneration after such deduction as aforesaid."

5. In regulation 6 the following new paragraph shall be added:—

"(3) In the case of a person to whom paragraph (8) of regulation 5 applies the employing authority shall make the like contributions in respect of him as they would have been liable to make if he had continued to follow that employment and to have been entitled to the remuneration thereof:

Provided that—

(*a*) in the case of a person who has received a return of contributions on or after leaving employment under an employing authority, nothing in this paragraph shall require the payment of contributions after the date of such return;

(*b*) where, by virtue of proviso (*b*) or (*c*) to paragraph (8) of regulation 5, a person is not required in respect of any period of national service to make the contributions, or to make the full amount of the contributions, which he would have been liable to make apart from the said proviso, the employing authority shall pay in respect of him to the Committee a sum sufficient to make up any deficit of contributions to the full amount which he would have been liable to contribute had he continued in his former employment and the employing authority

shall also pay to the Committee any contributions which in that event they would have been liable to pay thereto; and

(*c*) for the purposes of paragraph (*d*) of the proviso to paragraph (2) of regulation 8 and regulations 12 and 19 payments made under the last preceding proviso shall be disregarded."

**6.** In regulation 8 the following new paragraph shall be added:—

"(3) Where an officer has become entitled to a retiring allowance which together with the capital value of any pension to which he may also have become entitled, is less than the amount of his average remuneration, then if he requests the Committee in writing to apply this provision in his case, the Committee may either increase the retiring allowance by the amount of the capital value of the death gratuity and of any widow's pension which would apart from this provision become payable on his death or increase the amount of any such pension as aforesaid by an equivalent annual sum, and if the Committee exercises this discretion no death gratuity or widow's pension shall be payable in respect of him."

**7.** For regulation 15 there shall be substituted the following:—

"**15.**—(1) For the purpose of these regulations the term "service" in relation to an officer of an employing authority means

(*a*) employment under that authority of an existing officer before the appointed day which was reckonable at the appointed day for the purposes of calculations of superannuation benefits under

(i) the Act of 1865;

(ii) the Act of 1869;

(iii) the Act of 1875;

(iv) the Act of 1919;

(v) any local act;

and for this purpose any officer of the Northern Ireland Fire Authority, other than a fire officer or firemen who before being appointed as such was an officer of a fire authority constituted under the Fire Services Act (Northern Ireland), 1947, shall be pensionable and be deemed always to have been pensionable under the Act of 1869;

(*b*) continuous employment under that authority after the appointed day of

(i) any existing officer;

(ii) any other officer after attaining the age of 18 years, except one referred to in sub-paragraph (*c*) and (*f*) of paragraph (1) of regulation 3;

(iii) any officer referred to in sub-paragraphs (*c*) and (*f*) of paragraph (1) of regulation 3 after the

expiration of the period of two years therein mentioned after attaining the age of 18 years;

(*c*) employment as an established civil servant; and

(*d*) any other employment or war service or national service which by, or in pursuance of, these regulations is reckonable as service in relation to his employment as an officer;

but does not include employment in respect of which an officer has already become entitled to superannuation benefits whether under these regulations or otherwise.

(2) If a person within twelve months after ceasing, after the appointed day, to be in the employment in which he is an officer or if immediately after ceasing to be in such employment he became engaged in national service, within six months after the termination of that service, again becomes an officer in the said employment, or in the employment of any other employing authority, he shall, subject to the provisions of paragraph (4), be entitled to reckon as service and contributing service all periods of employment or war service, or national service which he was so entitled for the purposes of these regulations to reckon in relation to the said employment immediately before the date on which he ceased to be so employed.

Provided that:—

(*a*) where a person left employment as an officer in order to enter an approved course of study or training, then, in determining whether the person has had a break in service for the purpose of this paragraph, no account shall be taken of any period spent by him on that course of study or training;

(*b*) where a person left employment as an officer, immediately thereafter became engaged in national service and on the termination of that service entered an approved course of study or training, then, in determining whether the person has had a break in service for the purpose of this paragraph, no account shall be taken of any period spent by him on that course of study or training;

(*c*) where a person left employment as an officer in order to enter an approved course of study or training and on completion of that course became engaged in national service, he shall be deemed for the purpose of this paragraph to have left that employment at the time when he completed that course of study or training;

(*d*) where a person left employment by virtue of which he was entitled to participate in superannuation benefits subject to the provisions of any superannuation scheme approved by the Committee, in order to enter a course of study or training, then, in determining whether he has had a break in service

for the purpose of this paragraph, no account shall be taken of any period spent by him on that course of study or training if the Committee is satisfied that by reason of the person's having undertaken the course of study or training he is better fitted for the duties of his new employment;

(*e*) where such a person as is mentioned in the last preceding proviso left such employment and immediately thereafter became engaged in national service and on the termination of that service entered a course of study or training, then in determining whether the person has had a break in service for the purpose of this paragraph, no account shall be taken of any period spent by him on that course of study or training if the Committee is satisfied that by reason of the person's having undertaken the course of study or training he is better fitted for the duties of his new employment;

(*f*) where such a person as is mentioned in proviso (*e*) left such employment in order to enter a course of study or training, and on completion of that course became engaged in national service, he shall, if the Committee is satisfied that by reason of his having undertaken the course of study or training he is better fitted for the duties of his new employment, be deemed to have left that employment at the time when he completed that course of study or training;

(*g*) where a person has ceased to hold employment as an officer of an employing authority but continues in the employment of that authority otherwise than as an officer, the reference in this paragraph to a period of twelve months after a person left such first-mentioned employment shall be construed in relation to the person as a reference to a period of twelve months after his leaving such last-mentioned employment.

(3) Where a person, before entering the employment in which he is an officer, had been entitled, by virtue of employment subject to the provisions of any superannuation scheme approved by the Committee, to participate in superannuation benefits, and on leaving that employment any period of employment or any war service or national service would have been reckonable under such scheme for the purpose of determining whether he was entitled to receive a superannuation benefit, then, subject to the provisions of paragraph (4) of this regulation and paragraph (5) of regulation 33, that period of employment, war service or national service shall be reckonable as service in relation to the employment in which he is an officer, if he entered that employment within twelve months after leaving that other employment, or, if he left that other employment in order to undertake war service or immediately after leaving that employment became engaged in national service, within six months after the termination of that service;

Provided that—

(*a*) a transfer value in accordance with the provisions of paragraph (5) of regulation 33 has been paid to the Committee by the body administering such scheme; and

(*b*) the approval of the Committee to any such superannuation scheme may be given subject to terms and conditions if the Ministry so approve.

(4) The provisions of paragraph (2) or (3) shall not apply to any officer who does not, within three months after re-entering or entering such employment, give notice in writing of his previous period of employment and war service or national service (if any) and pay or repay to the Committee an amount equal to any sum paid to him by way of return of contributions on or after ceasing to hold his former employment, together with an amount equal to any income tax or equivalent sum which was deducted from his contributions in respect of such payment, and in respect of whom any transfer value paid or payment under regulation 32 made by the Committee has not been refunded to the Committee.

(5) If under paragraph (2) or (3) there is reckonable any previous employment in the case of a person who became an officer of an employing authority after having been engaged in war service or national service, and that service would have been reckonable as service under the enactment or scheme to which he was subject before he ceased to hold his former employment had he again become subject to that enactment or scheme on the termination of his war service or national service, the period thereof shall be reckonable as a period of service under these regulations.

(6) If a person becomes an officer of an employing authority by virtue of sub-paragraph (*c*) or (*f*) of paragraph (1) of regulation 3, or if such person as is mentioned in either of these sub-paragraphs before completing the period of two years therein mentioned becomes such an officer as is referred to in sub-paragraph (*a*) or (*d*) of paragraph (1) of regulation 3, then any previous periods of employment under any employing authorities and any period of national service undertaken by the person on his ceasing to hold employment under any employing authority which are included in the said period of two years shall be reckonable as service.

(7) In the case of an officer who was in the employment of an employing authority immediately before the appointed day and would otherwise be required to complete the period of two years after attaining the age of eighteen years mentioned in sub-paragraph (*c*) or (*f*) of paragraph (1) of regulation 3, all continuous service after the appointed day and after attaining the age of eighteen years shall be reckonable as service and the appropriate contributions shall be made in respect thereof.

(8) An officer of an employing authority who was in the employment of such authority immediately before the

appointed day, shall be entitled, if he gives notice in writing to the Committee within twelve months after the appointed day, or such further time as the Committee may allow, that he intends to do so, to make payments in accordance with the provisions of the Second Schedule in respect of any whole-time service, under any employing authority or the Belfast Corporation, prior to the appointed day other than that mentioned in sub-paragraphs (*a*) and (*b*) of paragraph (1), and any period of such employment in respect of which such payments are made or are in course of being made shall be reckonable as service:

Provided that in the case of an existing officer who, between the first day of April, 1939, and the appointed day, transferred, without a break in service of more than twelve months, from another employing authority or the Belfast Corporation to the employing authority in whose employment he was immediately before the appointed day, the payments in respect of service with the former employing authority or the Belfast Corporation which, but for such transfer, would have been reckonable for superannuation under any of the Acts mentioned in sub-paragraph (*a*) of paragraph (1) shall be one half of the appropriate amounts, or alternatively, the said period of service with the former employing authority or the Belfast Corporation shall be reckoned as non-contributing.

(9) If a person, after ceasing to be an officer of an employing authority (other than a person in respect of whom a transfer value was paid by the Committee or a payment was made under regulation 32(1), which transfer value or payment has not been refunded) re-enters the employment of that authority or any other employing authority in circumstances in which none of the preceding paragraphs applies in his case, he shall be entitled, if he gives notice in writing to the employing authority within twelve months of the appointed day or three months after entering their employment, that he intends to do so, to make payments in accordance with the provisions of the Second Schedule, as if any employment or war service or national service which was reckonable as service at the date on which he ceased to be an officer was non-contributory service and any period of such employment or war service or national service in respect of which such payments are made or are in course of being made shall be reckonable as service.

(10) Where immediately after ceasing to be an officer of an employing authority a person—

(*a*) became engaged in national service, or

(*b*) entered an approved course of study or training and immediately after completing that course became engaged in national service,

then if, on the termination of that service or within six months thereafter or, if that service was followed by an approved course of study or training, on the termination of that course or within six months thereafter, the person became an officer of an employing authority, the period of that service shall be reckonable as a period of service under these regulations:

Provided that if on or after so ceasing to be an officer as aforesaid, he received a return of contributions—

(*a*) no part of such period after the date of the return shall be reckonable as service; and

(*b*) the part of such period before the date of the return shall only be reckonable if he has paid or repaid to the Committee, within three months after again becoming an officer, an amount equal to the sum returned to him, together with an amount equal to any income tax which was deducted from his contributions in respect of such return.

(11) Where an officer who has become engaged in national service in the circumstances mentioned in the last preceding paragraph—

(*a*) dies during his period of national service; or

(*b*) is prevented, in consequence of being permanently incapacitated by injury or disease received or contracted during that period, from resuming employment under any employing authority;

he shall be deemed to have returned as an officer to the employment of an employing authority immediately before his death or on the termination of that period of service, as the case may be.

(12) Where a person in the employment of an employing authority is a person who has previously been in the employment of an employing authority otherwise than as an officer and who immediately after ceasing to be so employed became engaged in national service and on the termination of that service or within six months thereafter became an officer of the employing authority in whose employment he is, the period of his national service shall be taken into account for the purposes of these regulations in the same manner and to the same extent as it would have fallen to be taken into account if he had continued to follow his former employment throughout the period of his national service.

(13) If a person, immediately after ceasing to be an officer of an employing authority—

(*a*) became engaged in national service, or

(*b*) entered an approved course of study or training and immediately after completing that course became engaged in national service,

and has become an officer to whom paragraph (9) applies, that paragraph shall also apply in respect of the period of that service other than any part thereof after the date on which contributions may have been returned to him."

8. For regulation 16 there shall be substituted the following:—

"**16.**—(1) There shall be reckonable as contributing service in relation to the employment of an officer by an employing authority—

(*a*) service in respect of which he made the contributions required by these regulations;

(*b*) previous employment reckonable as service under sub-paragraph (*a*) of paragraph (1) of regulation 15;

(*c*) any period of employment or war service or national service in respect of which the officer has made or is in course of making payments under paragraphs (8), (9) or (13) of regulation 15;

(*d*) any previous employment reckonable as service which was reckonable as service under the Superannuation Acts; and

(*e*) any other service which by virtue of these regulations is to be reckoned as contributing service.

(2) Any war service or national service which is reckonable as a period of service under paragraph (5) of regulation (15) in relation to any officer shall be reckonable as a period of contributing service if his service immediately before such war service or national service is so reckonable.

(3) There shall be reckonable as non-contributing service in relation to the employment of an officer by an employing authority any service which is not reckonable as contributing service.

(4) Notwithstanding the provisions of the last preceding paragraph, any period of non-contributing service in respect of which an officer has made or is in the course of making payments in accordance with the provisions of the Second Schedule shall be reckonable as contributing service.

(5) If any contributory employee has

(*a*) been for a continuous period of not less than three years in the employment of an officer of an employing authority and engaged wholly or mainly in the performance of duties relating to the functions of that authority; and

(*b*) subsequently entered the employment of that or some other employing authority,

then the employing authority under which he is a contributory employee may determine that the whole or any part of that period shall be taken into account in reckoning his non-contributing service;

Provided that, if the employing authority make such a determination, there shall be paid into the superannuation fund by the employing authority such amount as the Committee may determine to be actuarially equal to the additional liability incurred by the superannuation fund thereby."

9. In regulation 18—

(*a*) after the words "war service", wherever they occur, there shall be inserted the words "or national service"; and

(*b*) for paragraph (*d*) of the proviso to paragraph (1) there shall be substituted the following paragraph:—

"(*d*) the remuneration of an officer in respect of any period of war service or national service which is reckonable as service under regulation 15 shall be deemed to have been the remuneration of the last employment in which he was engaged before undertaking that service.";

(*c*) in paragraph (2) after the word "service" where it last occurs there shall be added the words "or if he is an existing officer and that age is less than pensionable age then pensionable age."

10. In regulation 20—

(*a*) in paragraph (*b*) of the proviso, after the word "Regulation" there shall be inserted the words and figures "5(6) or"; and

(*b*) in sub-paragraphs (i) and (ii) of paragraph (*b*) of the proviso, after the words "first day of" there shall be inserted the words "April in".

11. After regulation 24(2), the following paragraph shall be inserted:—

"(3)(a) Where an "existing officer" possessing technical, professional or other special qualifications was appointed when above thirty years of age to an office under an employing authority for the due and efficient discharge of the duties of which such qualifications were required, the employing authority may, upon the resignation, retirement or death of such officer, direct that there shall be added to the length of his service as such officer for the purpose of determining whether any benefit under these regulations is payable to or in respect of him and of calculating such benefit such number of years not exceeding ten as the employing authority may fix, provided that there shall be paid into the superannuation fund by such officer or his legal personal representative for each of such added years a contribution equal to five per cent. of the amount of the annual remuneration payable to him during the year commencing on the appointed day, together with compound interest thereon as from the first day of January, 1952, at the rate of two and one half per cent. per annum, and there shall be paid into the superannuation fund by the employing authority such amount as the Committee may determine to be actuarially equal to the difference between the officer's contribution and the capital value of the additional liability incurred by the superannuation fund in respect of the added years of service, and for the purposes of these regulations such years of service so added shall rank as contributing service.

(*b*) In determining whether a direction shall be made under this paragraph or the number of years to be added by such direction the employing authority shall take into account any period of service in any employment with any employing authority which is reckonable as service under these regulations.

Provided that a direction shall not be given in respect of an officer to whom the provisions of regulation 26 have been applied."

12. For regulation 26 there shall be substituted the following:—

"26.—(1) Where for the efficient discharge of his duties an officer of an employing authority is required to possess professional or other qualifications and possesses such qualifications which he has not acquired during his service, the authority may, if application for the purpose is made in accordance with this regulation, consent to the adding of a number of years to his service:

Provided that—

(*a*) this paragraph shall not apply to a person—

(i) unless at the time of his first becoming an officer (or, if he entered the employment of a local authority before the first day of April, 1950, at the time of his first entering any such employment) he had reached the age of twenty-seven years but was not over the age of thirty-five years;

(ii) if, on first becoming an officer, he was entitled to reckon as a period of contributing or non-contributing service any period in which he had been employed before reaching the age of twenty-seven years;

(*b*) the number of years added shall not exceed the number of years by which the age of the employee at the time of his first entering the employment of a local authority exceeds the age of twenty years, or ten years, whichever is the less.

(2) An application by an officer for the purposes of this regulation shall be made in writing to the authority by whom he is employed for the time being—

(*a*) if he is already an officer at the first day of April, 1959, within six months thereafter;

(*b*) in any other case, within six months after the date on which he first becomes an officer.

(3) Upon the giving of such a consent in respect of an officer, the officer shall be liable to pay to the superannuation fund, at such intervals as the Committee may determine, by way of additional contributions in respect of each year added to his service—

(*a*) if the officer has not reached the age of fifty-five years at the time of the giving of the consent, an amount in respect of all services thereafter up to the age of sixty years equal to such percentage of his remuneration for the time being as is shown in column 2 of the Sixth Schedule opposite the age shown in column 1 thereof which corresponds to his age at the time of the giving of the consent;

(*b*) if he has reached the age of fifty-five years at the time of the giving of the consent, an amount in respect of all service thereafter up to such age, and equal to such percentage of his remuneration for the time being, as may be actuarially determined:

Provided that—

(i) if the officer ceases to hold his employment on the ground that he is incapable of discharging efficiently the duties of the employment by reason of permanent ill-health or infirmity of mind or body, or has a disqualifying break of service, or dies before reaching the age of sixty years, no further sum shall be payable under this paragraph;

(ii) the employing authority may if they think fit reduce by not more than one third the percentage applicable in the case of the officer, and if they do so the reduction shall operate so long as he remains liable to make payments under this paragraph.

(4) If the aggregate of the amount payable by the officer under the last foregoing paragraph by way of additional contributions and the amount payable by him by way of contributions under regulation 5 exceeds fifteen per cent. of his remuneration, he shall satisfy his liability in respect of the excess over fifteen per cent. by payment (either in a lump sum or by way of such instalments payable at such times as may be agreed between him and the authority giving the consent) of a sum actuarially equal to the capital value of the excess.

(5) Any amount payable by an officer under paragraph (3) of this regulation shall be recoverable, either by deduction from his remuneration or otherwise, in like manner and shall be returnable in the like circumstances as if any amounts so payable were contributions to which the principal regulations apply; and during any period during which by virtue of paragraph (2) of regulation 5 an officer whose remuneration has been reduced or discontinued continues to contribute to the superannuation fund the like amount as if it had not been reduced or discontinued, the amount payable by the employee under paragraph (3) of this regulation shall be the amount which would have been so payable if his remuneration had not been reduced or discontinued.

(6) An employing authority who give a consent under this regulation in respect of an officer shall be liable, so long

as the officer remains in their employment, to contribute to the superannuation fund—

(*a*) the like equivalent contributions as they would be liable to contribute if the amounts payable by the officer by way of additional contributions under paragraph (3) were contributions to which these regulations apply; and

(*b*) contributions equal to any amounts by which, under proviso (ii) to the said paragraph (3), the authority have reduced the amounts payable by the officer as aforesaid.

Where an employing authority in pursuance of the said proviso (ii) have reduced the amounts payable by an officer as aforesaid or an officer is required by paragraph (4) to satisfy his liability in respect of the excess over fifteen per cent. by payment in the manner therein mentioned, the amounts payable by the employing authority in respect of their liability under sub-paragraph (*a*) shall be amounts equal to those which would have been payable by the officer but for the reduction or the requirements of the said paragraph (4).

(7) An officer shall be entitled, if he complies with the requirements of this regulation, to reckon years added to his service by a consent under this regulation as years of contributing service:

Provided that—

(*a*) any years so added shall not be so reckonable—

(i) if the officer fails to pay any amount payable by him under paragraph (3) or paragraph (4); or

(ii) if the officer leaves the employment of the employing authority by whom the consent was given before the expiration of a period, beginning with the giving of the consent, equal to one half of the period specified in the consent and the said authority, before a transfer value is paid in respect of the officer, resolve that the years so added shall not be so reckonable and return to him a sum equal to the aggregate of the amounts paid by him under this regulation;

(*b*) an officer shall not be entitled to the benefit of paragraphs (2), (3) and (4) of regulation 15 (under which an officer who ceases to be employed by an employing authority and within twelve months of so ceasing becomes an officer under that or any other employing authority is entitled to reckon previous service as contributing service only if he pays to the authority by whom he is employed an amount equal to any sum paid to him by way of return of contributions) in relation to years so added unless, in addition to paying such amount as is mentioned in paragraph (4) of regulation 15, he also pays to the

employing authority by whom he is employed an amount equal to any sum which, on his ceasing to hold his former employment, was paid to him by way of return of additional contributions under paragraph (3) of this regulation;

(*c*) any years so added shall not in any circumstances be reckonable as non-contributing service."

13. In regulation 29, for the proviso to paragraph (7), there shall be substituted the following proviso:—

"Provided that a person to whom this paragraph applies shall not be treated as having had such a break as aforesaid—

(*a*) if at any time he ceased to be an officer of an employing authority in order to undertake war service or if immediately after ceasing to be employed as such officer he became engaged in national service but re-entered employment in that capacity within six months after the termination of that service; or

(*b*) if immediately after ceasing to be an officer of an employing authority he—

(i) entered an approved course of study or training and re-entered employment as an officer of an employing authority within twelve months after completing that course or, if on completing that course he became engaged in national service, within six months after the termination of that service; or

(ii) became engaged in national service and on the termination of that service entered an approved course of study or training and re-entered employment as an officer of an employing authority within six months after completing that course."

14. In regulation 32—

(*a*) in paragraph (1), after the words "employing authority", where they first occur, there shall be inserted the words "or, if immediately after so ceasing he became engaged in national service, within six months after the termination of that service," and, the words "and to comply with" shall be omitted, and the words "unless the Committee dispenses with this requirement to comply with" shall be substituted therefor;

(*b*) in paragraph (2), after the words "employing authority" there shall be inserted the words "or on the termination of his national service, as the case may be,";

(*c*) in paragraph (3), the words from "to reckon such service" to the end of the paragraph shall be omitted and there shall be substituted the words "to

reckon as service, contributing service or non-contributing service, as the case may be, all periods of employment, war service or national service which he was so entitled to reckon in relation to his employment under the former employing authority immediately before the date on which he ceased to be employed by them, and as contributing service any period of national service after so ceasing to be employed.";

(*d*) (i) paragraph (4) as originally enacted shall be renumbered (5); and

(ii) after the words "employing authority," where they first occur, there shall be inserted the words "or, if immediately after he so ceased he became engaged in national service, within six months after the termination of that service,"; and

(iii) in sub-paragraph (*c*), after the words "war service" there shall be inserted the words "or national service" and at the end of the sub-paragraph there shall be added the words "and he shall be entitled to reckon the period of his approved employment for the purpose of determining whether he is qualified to receive any benefit under these regulations but not for any other purpose:";

(*e*) there shall be added the following paragraph—

"(6) No payment shall be made by way of a return of contributions to any person who enters employment in which the last preceding paragraph has become applicable to him unless and until he ceases to hold that employment in circumstances in which he does not become entitled to any benefit under these regulations."

15. In regulation 33—

(*a*) (i) paragraph (3) shall be renumbered 3(*a*) and at the end of the paragraph there shall be added the words "with yearly rests;" and

(ii) the following new sub-paragraph shall be added:—

"(*b*) Where a transfer value payable on the appointed day under paragraph (1) is paid in one sum, compound interest as aforesaid shall be payable as from the appointed day to the date of payment.";

(*b*) in paragraph (5), after the words "Life Assurance Companies" there shall be inserted the words "or, if immediately after so ceasing he became engaged in national service, within six months after the termination of that service,"; and

(*c*) in paragraph 6—

(i) after the words "established civil servant" there shall be inserted the words "or, having become engaged in national service immediately after

leaving his employment as an established civil servant, becomes an officer of an employing authority within six months after the termination of that service,"; and

(ii) after the words "established service" there shall be inserted the words "and any period of national service which would have been reckonable as established service had he again become employed as a civil servant on the termination of his national service".

**16.** In regulation 34—

(*a*) in paragraph (1)—

(i) after the words "employing authority" where they first occur, there shall be inserted the words "or, in the case of a person who immediately after leaving such employment became engaged in national service, within six months after the termination of that service"; and

(ii) for the words "and approved in whole or in part by the Commissioners of Inland Revenue under Section 32 of the Finance Act, 1921," there shall be substituted the words "and either approved wholly or partly under Section 379 of the Income Tax Act, 1952, or otherwise recognised by the Commissioners of Inland Revenue as an appropriate scheme for the purposes of this regulation,"; and

(iii) after the words "Fourth Schedule", there shall be added the words "or, in accordance with a method approved by the Ministry";

(*b*) in paragraph (2), after the words "employing authority" there shall be inserted the words "or, in the case of a person who immediately after leaving such employment became engaged in national service, within six months after the termination of that service,".

**17.** The following new regulation shall be inserted after regulation 35—

"**35A.**—(1) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a pension, the Committee may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the Committee to be beneficially entitled to the personal estate of the deceased or, as the Committee think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the Committee may determine.

(2) This regulation shall apply with respect to other benefits payable under these regulations as it applies with respect to pensions and, accordingly, any reference in this regulation to a pension shall be construed as including a

reference to any other benefit and any reference therein to a pensioner shall be construed as including a reference to a person to whom any benefit is payable.

(3) The Committee shall obtain a good discharge by applying or paying any sum in the manner provided by this regulation."

**18.** In the First Schedule—

(*a*) in paragraph 8, there shall be substituted for sub-paragraph (1) the following sub-paragraph:—

"(1) A person who has given a notification of his desire to surrender part of his pension or injury allowance under these regulations may cancel or amend the notification by a notice in writing given to the employing authority at any time before he has been informed by the Committee that his surrender has been accepted.":

Provided that an officer who has been informed prior to the first day of March, 1959, that his surrender has been accepted may cancel or amend a notification within one month after such date.";

(*b*) in paragraph 9, there shall be substituted for sub-paragraph (1) the following sub-paragraph:—

"(1) A notification given by a person under this schedule shall become null and void if—

(*a*) the beneficiary dies before the person has been informed by the Committee that his surrender has been accepted; or

(*b*) the person dies at any time before midnight on the day on which the Committee decides to accept the surrender; or

(*c*) after paragraph 9, the following new paragraph shall be added:—

"**10.** A notice in writing sent by an employee to his employing authority under paragraph 4 or 8, and information given by the Committee to an employee under paragraph 7 of acceptance or non-acceptance of the employee's notification of his desire to surrender part of his pension or injury allowance shall, if posted in a properly addressed prepaid envelope, be deemed to have been received by the person to whom it was addressed at the time at which a letter would have been delivered in the ordinary course of post."

**19.** In the Second Schedule, in sub-paragraph (*d*) of paragraph 3—

(i) after the words "twelve months" there shall be inserted the words "or, if immediately after ceasing to hold his employment the officer became engaged in national service, at the expiration of six months after the termination of that service,"; and

(ii) there shall be added the following proviso:—

"Provided that where immediately after ceasing to hold his employment an officer—

(*a*) entered an approved course of study or training and within twelve months after completing that course or, if on completing that course he became engaged in national service within six months after the termination of that service, enters employment in which he is an officer of an employing authority; or

(*b*) became engaged in national service and on the termination of that service entered an approved course of study or training and within six months after completing that course enters employment in which he is an officer of an employing authority;

he shall not be treated as having ceased to be entitled to any right in respect of payments made by him on account of the debt and, subject as hereinafter provided his liability in respect of the balance of the debt shall continue and he shall pay or repay an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return."

**20.** In the Fourth Schedule, in paragraph (*a*) of the proviso to paragraph 2, for the words "forty-five years" there shall be substituted the words "forty years".

**21.** The schedule hereto shall be added immediately after the Fifth Schedule.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 28th day of January, 1959, in the presence of

(L.S.) *J. L. O. Andrews,*
Minister of Health and Local Government.

SIXTH SCHEDULE

**Additional Contributions for Added Years**

| Age at date of giving consent | Percentage of remuneration payable by the employee in respect of each year added |
|---|---|
| 1 | 2 |
| 27 and under 28 ... ... | .16 |
| 28 „ „ 29 ... ... | .17 |
| 29 „ „ 30 ... ... | .18 |
| 30 „ „ 31 ... ... | .19 |
| 31 „ „ 32 ... ... | .20 |
| 32 „ „ 33 ... ... | .21 |
| 33 „ „ 34 ... ... | .22 |
| 34 „ „ 35 ... ... | .23 |
| 35 „ „ 36 ... ... | .24 |
| 36 „ „ 37 ... ... | .25 |
| 37 „ „ 38 ... ... | .26 |
| 38 „ „ 39 ... ... | .28 |
| 39 „ „ 40 ... ... | .30 |
| 40 „ „ 41 ... ... | .32 |
| 41 „ „ 42 ... ... | .34 |
| 42 „ „ 43 ... ... | .36 |
| 43 „ „ 44 ... ... | .38 |
| 44 „ „ 45 ... ... | .41 |
| 45 „ „ 46 ... ... | .44 |
| 46 „ „ 47 ... ... | .48 |
| 47 „ „ 48 ... ... | .53 |
| 48 „ „ 49 ... ... | .58 |
| 49 „ „ 50 ... ... | .64 |
| 50 „ „ 51 ... ... | .72 |
| 51 „ „ 52 ... ... | .81 |
| 52 „ „ 53 ... ... | .92 |
| 53 „ „ 54 ... ... | 1.07 |
| 54 „ „ 55 ... ... | 1.28 |

EXPLANATORY NOTE

(*This note is not part of these Regulations, but is intended to indicate their general purport.*)

These Regulations make a number of minor amendments to the principal regulations to achieve greater clarity and to remove certain difficulties which have become apparent through experience of the operation of the superannuation scheme, and to facilitate the administration thereof.