chemical or other properties bearing on the nature, substance or quality of the article; whether the article is injurious to health or unfit for human consumption; whether and in what respect a label or description or any advertisement relating to the sample is incorrect or misleading; and he may add any other observations he may consider relevant.

(These notes are for guidance only and do not form part of the Certificate.)

EXPLANATORY NOTE

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

The regulations prescribe the qualifications required of a person appointed as public analyst for the purposes of the Food and Drugs Act (Northern Ireland), 1958. The qualifications are in substitution for those set out in the Order of the 4th May, 1900, as to Competency of Public Analyst made by the Local Government Board for Ireland.

They also prescribe the form of the Certificate of Analysis to be given by a public analyst. The form replaces that contained in the Schedule to the Sale of Food and Drugs Act, 1875, which has been repealed by the Food and Drugs Act (Northern Ireland), 1958.

1960. No. 73 **[C]**

LOCAL GOVERNMENT SUPERANNUATION

REGULATIONS*, DATED 27TH APRIL, 1960, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 2 AND SECTION 7 OF THE LOCAL GOVERNMENT (SUPERANNUATION) ACT (NORTHERN IRELAND), 1950.

The Ministry of Health and Local Government (hereinafter referred to as "the Ministry") in exercise of the powers conferred on it by sub-section (1) of section 2 of the Local Government (Superannuation) Act (Northern Ireland), 1950(a), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance under sub-section (2) of section 7 of the said Act, hereby makes the following regulations:—

1. These regulations may be cited as the Local Government Superannuation (Interchange with Teaching Service) Regulations (Northern Ireland), 1960, and shall come into operation on the first day of May, 1960.

2. In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"the Act" means the Local Government (Superannuation) Act (Northern Ireland), 1950;

(a) 1950. c. 10.

*A draft of these Regulations was approved by resolutions of the Senate and of the House of Commons on the 26th day of April, 1960.

"the Teachers Act" means the Teachers (Superannuation) Act (Northern Ireland), 1950(a);

"added years" means in relation to a contributory employee, any additional years of service reckonable by him under regulation 26 of the Local Government Superannuation Regulations and includes any additional years of service which, having been granted under any similar provision contained in any other enactment or scheme, have subsequently become reckonable under the Local Government Superannuation Regulations;

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

"contributing service" and "non-contributing service" mean service which is reckonable as contributing service or non-contributing service for the purposes of superannuation benefits provided under the Local Government Superannuation Regulations;

"contributory employee" means a person who has been duly admitted to participate in the benefits of the superannuation scheme administered by the Committee;

"contributory service" and "recognised service" have the respective meanings assigned to these expressions by the Teachers Act;

"local authority" has the meaning assigned to that expression by the Act;

"local government service" means service in employment by virtue of which the person employed is a contributory employee, or in so far as it affects persons leaving recognised service and commencing employment with a local authority prior to the first day of April, 1950, a pensionable employee;

"Local Government Superannuation Regulations" means the Local Government (Superannuation) Regulations (Northern Ireland), 1950(b);

"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(c), 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;

"pensionable employee" means a person in employment which is pensionable under any of the enactments set out in the first column of the second schedule to the Act, or under any such enactment as extended or applied by any of the enactments set out in the second column of that schedule, or any local Act which makes provision for the superannuation of any officers of a local authority;

"Teachers Modification Regulations" means the National Insurance (Modification of Teachers Annual Allowances) Regulations (Northern Ireland), 1951(d);

"transfer value" has the same meaning as "accrued superannuation value" as that expression is defined in the Act; and

"voluntary contributions" means—

(*a*) in relation to a person who has become a contributory employee after leaving employment in contributory or recognised service, payments (other than payments of contributions required by section 6

(a) 1950. c. 33.
(b) S.R. & O. (N.I.) 1950, No. 103.
(c) 14 & 15 Geo. 6. c. 65.
(d) S.R. & O. (N.I.) 1951, No. 129.

of the Teachers Act and completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) made as a condition of being entitled to reckon any period as contributory or recognised service for the purposes of the Teachers Act;

(*b*) in relation to a person who has become employed in contributory or recognised service after leaving employment in which he was a contributory employee, payments (other than completed payments, that is to say, payments made in respect of a liability which has been wholly discharged) of any of the following categories:—

(i) additional contributory payments made in accordance with the provisions of the second schedule to the Local Government Superannuation Regulations;

(ii) any payments made in respect of added years;

(iii) any payments of a similar nature which, having been commenced in a previous employment, were continued in his employment as a contributory employee.

3. Where, within the prescribed period (as defined in regulation 4) a person after ceasing to be employed in contributory or recognised service and without having become entitled to any superannuation benefit other than a return of contributions has become employed in local government service, then, subject to the provisions of these regulations, he shall be entitled to reckon as contributing service for the purposes of the Local Government Superannuation Regulations any period which he was entitled to reckon as contributory or recognised service at the date on which he last ceased to be employed in such service or which he would have been entitled so to reckon had the Teachers Superannuation (Transfer from the Local Government Service to the Teaching Service) Rules (Northern Ireland), 1960(a), been applied to him immediately before he so ceased to be employed:

Provided that—

(*a*) this regulation shall not apply in relation to any person unless the Committee receives from the Ministry of Education a transfer value calculated in accordance with a method approved by the Ministry in respect of such contributory or recognised service;

(*b*) this regulation shall not apply in relation to any person unless within three months after the date on which he has become employed in local government service or within six months after the date of coming into operation of these regulations, whichever period last expires, he notifies the Committee, in writing, that he desires these regulations to apply to him, furnishes them with particulars of any national service in which he has been engaged since he ceased to be employed in contributory or recognised service and pays to them an amount equal to any sum received by him by way of a return of contributions, other than voluntary contributions, on or after last ceasing to be employed in such service, together with an amount equal to any income tax which was deducted from his contributions in respect of such return;

(*c*) this regulation shall not apply to a person who ceased to be employed in recognised service or who became employed in local government service before the first day of April, 1950, unless—

(a) S.R. & O. (N.I.) 1960, No. 74.

(i) his last employment in recognised service ceased on or after the first day of April, 1944, or such earlier date as the Ministry of Education may, in any particular case, determine, and

(ii) he remained without a break in the employment in which he became a pensionable employee and has become a contributory employee with effect from the first day of April, 1950.

4.—(1) For the purposes of these regulations subject as hereinafter provided the expression "prescribed period" shall mean—

(*a*) in the case of a person who immediately after leaving his employment in contributory service or, as the case may be, his employment as a contributory employee became engaged in national service, six months after the termination of his national service; or

(*b*) in the case of any other person, twelve months after leaving such employment as aforesaid.

(2) Any period spent by a person on a course of study or training after leaving his previous superannuable employment shall be excluded—

(*a*) in reckoning the said period of twelve months or, as the case may be, the said period of six months mentioned in the last preceding paragraph; and

(*b*) in determining whether the person has become engaged in national service immediately after leaving his former employment.

(3) The provisions of the preceding paragraph shall not apply—

(*a*) to a person who in his new employment is in contributory service unless—

(i) before leaving his former employment he gave notice in writing to the Committee of his intention to enter the said course of study or training; and

(ii) the said course of study or training is in the opinion of the Ministry of Education likely to be of value to him as a teacher;

(*b*) to a person who in his new employment is a contributory employee unless—

(i) before leaving his former employment he gave notice in writing to the Ministry of Education of his intention to enter the said course of study or training; and

(ii) the said course of study or training is in the opinion of the Committee likely to be of value to him in his new employment as a contributory employee.

5.—(1) For the purposes of these regulations a person shall not be deemed to have ceased to be employed in contributory service if he ceased to be employed in service which was treated as contributory service by virtue of its being approved external service for the purposes of section 13 of the Teachers Act or of its being treated under any scheme made under sub-section (1) of section 42 of that Act in the same manner as such approved external service.

(2) Except for the purposes of determining whether a person to whom these regulations have become applicable is entitled to any superannuation benefit as a contributory employee the expression "contributory or recognised service" in regulation 3 shall not include service which is treated as contributory service

by virtue of its being approved external service for the purposes of section 13 of the Teachers Act or of its being treated under any scheme made under section 42(1) of that Act in the same manner as such approved external service.

6.—(1) The provisions of this regulation shall apply where any person to whom regulation 3 has become applicable was, at the time when he ceased to be employed in contributory or recognised service, in the course of making voluntary contributions.

(2) If a person when giving notice to the Committee in accordance with proviso (*b*) to regulation 3 elects to make payments in pursuance of this regulation and pays forthwith to the Committee an amount equal to any sum paid to him by way of return of any such voluntary contributions as are referred to in paragraph (1) on or after ceasing to be employed in contributory or recognised service together with an amount equal to any income tax which was deducted from the voluntary contributions in respect of such return then he shall be liable to pay the outstanding voluntary contributions to the Committee in the manner in which they would have been payable if he had remained in contributory or recognised service.

(3) Where a person has elected to make payments in pursuance of this regulation the period in respect of which such payments are made shall be reckonable as a period of contributing service.

7. Where a person to whom regulation 3 has become applicable had before becoming employed in local government service been engaged in any such national service as is referred to in regulation 4, the period of service which he becomes entitled to reckon as contributing service under regulation 3 shall be increased to the extent (if any) to which the said national service would have been reckonable for the purposes of the Teachers Act had he again become employed in contributory or recognised service on the termination of such national service:

Provided that this regulation shall not apply in any case in which a period of national service would have been so reckonable unless the transfer value received by the Committee under regulation 3 was calculated so as to include the liability of which the Ministry of Education was relieved in respect of the said national service.

8.—(1) The modifications for which regulation 29 of the Local Government Superannuation Regulations provide shall not apply to a person to whom these regulations have become applicable if the modifications for which the Teachers Modification Regulations provide did not apply in his case at the date when he ceased to be employed in contributory or recognised service unless he has given notice under paragraph (7) of the aforesaid regulation that he wishes paragraph (1) of that regulation to apply in his case.

(2) (*a*) Regulation 29 of the Local Government Superannuation Regulations shall apply to any other such person as if any service which he has become entitled to reckon by virtue of these regulations being service of which account would have been taken under the Teachers Modification Regulations for the purpose of reducing any benefit to which he might have become entitled under the Teachers Act had he continued to be subject thereto, were contributing service rendered on or after the fifth day of July, 1948.

(*b*) If the Teachers Modification Regulations modified any benefit to which such person might have become entitled under the Teachers Act by reference to a Table and to his age at a given date, regulation 29 of the Local Government Superannuation Regulations shall have effect as if any provision therein modifying superannuation benefits by reference to a Table and the age of a person at a given date applied in his case, except that the reference to his age at that date shall be construed as a reference to his age at the date which was relevant for the purposes of the Teachers Modification Regulations.

9. Where a person to whom regulation 3 applies leaves employment in which he is a contributory employee or dies in circumstances in which, under the Local Government Superannuation Regulations, there is payable to or in respect of him an amount by way of a return of contributions or a benefit which falls to be calculated by reference to any such amount, then for the purpose of the said regulations, the amount of his contributions shall be taken to be increased in respect of service which, by virtue of these regulations, has become reckonable as service for the purposes of the Local Government Superannuation Regulations, by an amount equal to the amount which would have been payable by way of a return of contributions under the enactments relating to teachers' superannuation if, on his ceasing to hold that employment he had been entitled to receive an amount by way of a return of contributions without interest:

Provided that the sum by which a return of contributions or a benefit which falls to be calculated by reference thereto is increased by virtue of this regulation shall not include any amount in respect of such voluntary contributions as are referred to in regulation 6 and which have not been continued in pursuance of that regulation.

10.—(1) Where within the prescribed period (as defined in regulation 4) a person after ceasing to be a contributory employee and without having become entitled to any superannuation benefit under the Local Government Superannuation Regulations other than a return of contributions, has become employed in contributory or recognised service, not being service which is treated as contributory service by virtue of its being approved external service for the purposes of section 13 of the Teachers Act or of its being treated under any scheme made under section 42(1) of that Act in the same manner as such approved external service, then there shall be payable to the Ministry of Education by the Committee a transfer value calculated in accordance with a method approved by the Ministry less an amount equal to any sum which the Committee may become liable to pay by way of income tax in respect of the amount transferred by way of transfer value:

Provided that—

(*a*) this regulation shall not apply in relation to any person, unless within three months after the date on which he has become employed in contributory or recognised service or within six months after the date of coming into operation of these regulations, whichever period last expires, he notifies the Ministry of Education, in writing, that he desires these regulations to apply to him, furnishes it with particulars of any national service in which he has been engaged since he ceased to be a contributory employee and pays to it an amount equal to any sum paid to him by way of a return of contributions, other than voluntary contributions, on or after ceasing to hold his employment as a

contributory employee, together with an amount equal to any income tax which was deducted from his contributions in respect of such return;

(*b*) this regulation shall not apply in relation to any person who ceased to be a contributory employee before the date of the coming into operation of these regulations unless—

(i) the Committee agree to the payment of a transfer value, and

(ii) in the case of a person who is not employed in contributory service at the date of the coming into operation of these regulations, the Ministry of Education agrees that this regulation shall apply to him.

(2) Where, in the case of a person to whom paragraph (1) applies, the employing authority by whom he was previously employed exercises a discretion under regulation 24(3)(*a*) of the Local Government Superannuation Regulations to add a number of years to his service then the service reckonable immediately before he left previous employment shall be deemed for the purposes of these regulations to have been correspondingly increased.

11. Notwithstanding anything in the Local Government Superannuation Regulations no payment shall be made thereunder by way of a return of contributions, other than voluntary contributions, to any person in relation to whom regulation 10 has become applicable.

12. The provisions of the Local Government Superannuation Regulations which relate to the determination of questions arising under these regulations shall apply in relation to a person who becomes a contributory employee in circumstances in which these regulations apply.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 27th day of April, nineteen hundred and sixty, in the presence of

(L.S.) *Ronald Green,*
Secretary.

The Ministry of Finance, in so far as its approval is necessary under subsection (2) of section 7 of the Act, hereby approves the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of April, nineteen hundred and sixty, in the presence of

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations provide that—

(*a*) if a Northern Ireland teacher superannuable by virtue of the Teachers (Superannuation) Act (Northern Ireland), 1950, transfers within a prescribed period (generally twelve months) to employment which is