1977 No. 23

SOCIAL SECURITY

The Occupational Pension Schemes (Consequential Provisions) Regulations (Northern Ireland) 1977

Made . . . . . 1st *February* 1977

Coming into operation . . . 6th *April* 1977

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 55(3) of, and paragraph 1 of Schedule 2 to, the Social Security Pensions (Northern Ireland) Order 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Occupational Pension Schemes (Consequential Provisions) Regulations (Northern Ireland) 1977, and shall come into operation on 6th April 1977.

Amendment of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1976

2. Regulation 9 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1976(b) (termination of periods of contracted-out employment) shall be amended as follows:

(*a*) in paragraph (2) for "In such a case as is specified in paragraph (3)" there shall be substituted "In such cases as are specified in paragraph (3)";

(*b*) for paragraph (3) there shall be substituted the following paragraph—

"(3) The cases mentioned in paragraph (2) are—

(*a*) where all the employments are with the same employer in cases where—

(i) no state scheme premium has been paid in respect of the employment first mentioned in paragraph (2) or any that has been paid has been refunded, and

(ii) any interval between one employment in the series and the next is no longer than 6 months or such longer period as the Department may allow in a particular case; and

(*b*) where a woman has a right to return to work under Article 28(1) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(c) (right to return to work following pregnancy or confinement) and does in fact return to work pursuant to that right.".

(a) S.I. 1975/1503 (N.I. 15)
(b) S.R. 1976 No. 29 as amended by S.R. 1976 Nos. 101 and 256
(c) S.I. 1976/2147 (N.I. 28)

Amendment of the Occupational Pension Schemes (Equal Access to Membership) Regulations (Northern Ireland) 1976

3. In regulation 9 of the Occupational Pension Schemes (Equal Access to Membership) Regulations (Northern Ireland) 1976(**d**) (special provision for membership of a scheme to be or remain voluntary) for paragraph (4) there shall be substituted the following paragraph—

"(4) A person's service in an employment is not to be treated as terminated if that employment is followed by another employment with the same employer or his successor and either—

(*a*) there is no interval, or an interval not exceeding one month, between the two employments; or

(*b*) the second employment results from the exercise of a right to return to work under Article 28(1) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976(**e**) (right to return to work following pregnancy or confinement).".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 1st February 1977.

(L.S.)

C. G. Oakes
Senior Assistant Secretary

EXPLANATORY NOTE

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

These regulations, which are made in consequence of the Industrial Relations (No. 2) (Northern Ireland) Order 1976, amend the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1976 and the Occupational Pension Schemes (Equal Access to Membership) Regulations (Northern Ireland) 1976. In each instance the amendment has the effect of maintaining the continuity of a woman's service in employment where she exercises her right to return to work following pregnancy or confinement.

(**d**) S.R. 1976 No. 238 (**e**) S.I. 1976/2147 (N.I. 28)