

1974. No. 72

[C]

LOCAL GOVERNMENT**Superannuation**

REGULATIONS, DATED 12TH APRIL 1974, MADE BY THE DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND PLANNING UNDER ARTICLE 9 OF THE SUPERANNUATION (NORTHERN IRELAND) ORDER 1972 AND UNDER SECTION 103 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

The Department of Housing, Local Government and Planning, in exercise of powers conferred by section 103 of the National Insurance Act (Northern Ireland) 1966(a) (having been determined by the Department of Finance to be the appropriate department for the purposes of that section to make regulations modifying the scheme for the provision of pensions and other benefits established by regulations made under section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950(b)) and in exercise of powers conferred by Articles 9 and 14 of the Superannuation (Northern Ireland) Order 1972(c) and of any other powers enabling it in that behalf, after consulting representatives of persons likely to be affected by these regulations, hereby makes the following regulations:—

Citation

1. These regulations may be cited as the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1974 and shall be deemed to have come into operation on 1st April 1972.

Interpretation

2. In these regulations “the principal regulations” means the Local Government (Superannuation) Regulations (Northern Ireland) 1962(d) and other words and expressions have the same meaning as in the principal regulations.

Amendments

3. The principal regulations shall be amended as follows:—

(1) In regulation 10(2) (scales of pension and retiring allowance) the following provisos shall be substituted for provisos (a) and (b):—

“(a) in the case of a married male officer in respect of whose service a widow’s pension may become payable under these regulations, the amount of the allowance shall be reduced by a sum equal to the aggregate of the following amounts, namely two-eightieths of his average remuneration in respect of each year of contributing service before 1st April 1972 and two one-hundred-and-sixtieths of such remuneration in respect of each year of non-contributing service before 1st April 1972;

(b) in the case of an officer entitled to a pension or injury allowance who is a widower or who is divorced or judicially separated from his wife and who satisfies the description contained in paragraph (4), the amount of the retiring allowance shall be a sum equal to the aggregate of the following amounts, namely—

(a) 1966. c. 6 (N.I.).

(b) 1950. c. 10.

(c) S.I. 1972, No. 1073 (N.I. 10).

(d) S.R. & O. (N.I.) 1962, No. 210.

- (i) three-eightieths of his average remuneration in respect of each year of contributing service since the date of his wife's death or the divorce or separation, as the case may be, or since 1st April 1972, whichever is the earlier;
 - (ii) one-eightieth of such remuneration in respect of each year of contributing service before the earlier of the dates mentioned in (b)(i);
 - (iii) three one-hundred-and-sixtieths of such remuneration in respect of each year of non-contributing service since the earlier of the dates mentioned in (b)(i);
 - (iv) one one-hundred-and-sixtieth of such remuneration in respect of each year of non-contributing service before the earlier of the dates mentioned in (b)(i)."
- (2) In regulation 14 (death gratuity), the following paragraph shall be substituted for proviso (i):—

"(i) In the case of a person in respect of whose death a widow's pension is payable under these regulations, the amount of the death gratuity shall be reduced by a sum equal to the aggregate of the following amounts, namely two-eightieths of his average remuneration in respect of each year of his contributing service before 1st April 1972 and two one-hundred-and-sixtieths of such remuneration in respect of each year of non-contributing service before 1st April 1972; where the capital value of the widow's pension and of any child's allowance is less than the amount of the death gratuity which would have been payable had no widow's pension or child's allowance been payable then a sum equal to the difference between such capital value and such amount, or the amount of the death gratuity, whichever is the greater, shall be the sum payable;"

- (3) In regulation 26 (added years in certain cases)—

- (a) the following paragraph shall be added to the provisos in paragraph (1):—

"(c) any service reckonable by virtue of a consent given under this paragraph shall be deemed to be reckonable immediately before 1st April 1972 to the extent of the period that such service would extend the commencement date of the officer's total service to a date prior to 1st April 1972.";

- (b) the following paragraph shall be substituted for paragraph (12):—

"(12) Any service reckonable by virtue of a direction made under paragraph (9) in relation to a person who has ceased to be an officer shall be deemed to have been reckonable immediately before 1st April 1972."

Sealed with the Official Seal of the Department of Housing, Local Government and Planning for Northern Ireland this 12th day of April 1974.

(L.S.)

J. A. D. Higgins,
Senior Assistant Secretary.

EXPLANATORY NOTE

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

These regulations amend the Local Government (Superannuation) Regulations (Northern Ireland) 1962, which provide for the superannuation of persons engaged in local government, to provide for an increase in the lump sum retiring allowance of married male officers.

Under the power in Article 14 of the Superannuation (Northern Ireland) Order 1972 these regulations provide for the above amendment to apply retrospectively as from 1st April 1972.