

1986 No. 294

LOCAL GOVERNMENT

**Local Government (Superannuation) (Amendment) Regulations
(Northern Ireland) 1986**

Made 10th September 1986

Coming into operation 1st November 1986

The Department of the Environment in exercise of the powers conferred by Articles 9 and 14(1) of the Superannuation (Northern Ireland) Order 1972(a) and now vested in it(b) and of every other power enabling it in that behalf and after consultation with the Association of Local Authorities for Northern Ireland, the district councils, the Northern Ireland Local Government Officers' Superannuation Committee and such representatives of other persons likely to be affected by the regulations as appeared to it to be appropriate, hereby makes the following regulations:—

Citation, commencement and retrospectio

1.—(1) These regulations may be cited as the Local Government (Superannuation) (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 1st November 1986 and, except as provided in paragraph (2), shall have effect from that date.

(2) Regulations 3(a) and 7 shall have effect as from 6th January 1986 and regulations 8 and 11 shall have effect as from 1st October 1983.

(3) The Local Government (Superannuation) Regulations (Northern Ireland) 1981 to 1985(c) and these regulations may be cited together as the Local Government (Superannuation) Regulations (Northern Ireland) 1981 to 1986.

Interpretation

2. In these regulations “the principal regulations” means the Local Government (Superannuation) Regulations (Northern Ireland) 1981(d).

Definition in principal regulations

3. Regulation 2(1) of the principal regulations is amended—

(a) by substituting for the words “16 years” wherever they occur in the definition of “child”, the words “17 years”; and

(b) by inserting after the definition of “short-service gratuity” the following definition:

“ “standard rate” means 1% above the rate which is for the time being the base rate published by members of the Committee of London Clearing Bankers or, where there is for the time being more than one such base rate, the lowest of them;”

(a) S.I. 1972/1073 (N.I. 10)

(b) S.R. & O. (N.I.) 1973 No. 504 Article 7(1); S.I. 1976/424 (N.I. 6)

(c) S.R. 1981 No. 96, S.R. 1982 No. 58, S.R. 1984 No. 175, S.R. 1984 No. 355 and S.R. 1985 No. 315

(d) S.R. 1981 No. 96 to which there are amendments not relevant to these regulations

Amendment to reference to fire officer or fireman in principal regulations

4. For regulation 11(2)(b) of the principal regulations there shall be substituted the following sub-paragraph:

“(b) any member of the fire brigade as defined in Article 2(2) of the Fire Services (Northern Ireland) Order 1984(a);”.

Contributions

5. For regulation 14(8) of the principal regulations there shall be substituted the following paragraph:

“(8)(a) If any sum due after 1st November 1986 under the provisions of paragraph (7) remains unpaid beyond a period of 10 days after the date on which it becomes due, the sum shall bear interest at the standard rate on a day to day basis from the due date of payment to the date of payment and compounded with 3-monthly rests, on the amount remaining unpaid.

(b) Where immediately before 1st November 1986 interest was payable at the rate of 9% per annum on a sum remaining unpaid at that date, the Committee may require interest to be paid from that date as if the sum had remained unpaid at the end of one month after that date.”.

Payments by employees to avoid reduction under regulation 20(2)(a) or (b) of retiring allowance and under regulation 23(2)(b)(i) or (4) of death gratuity

6. Regulation 15 of the principal regulations is amended—

(a) by substituting for paragraph (10)(b) the following sub-paragraph:

“(b) he ceases to hold his employment and—

- (i) one of the conditions prescribed in regulation 18(3)(a) or (b) applies in his case,
- (ii) the last day of his employment is not less than 12 months later than the date of receipt of the notice given under paragraph (3) or, as the case may be, paragraph (4),
- (iii) payment by him in accordance with paragraph (3) or, as the case may be, paragraph (4), has not been discontinued by virtue of paragraph (9), and
- (iv) he gives notice in writing for the purpose to the Committee within the period of 3 months beginning on the day after the last day of his employment,

he may pay to the fund within the period specified in paragraph (11) an amount calculated by the Government Actuary to represent the capital value of the payments remaining to be made, and shall in that event be treated as having completed payment in accordance with paragraph (3) or, as the case may be, paragraph (4); or” and

(b) by inserting after paragraph (10) the following paragraph:

“(10A) The Committee may accept a notice given under paragraph (10)(b)(iv) notwithstanding that paragraph (10)(b)(ii) is not satisfied.”.

Child's pension

7. In regulation 25(4) for the words “16 years” there shall be substituted the words “17 years”.

Power to compound certain small pensions

8. Regulation 29 of the principal regulations is amended—

- (a) by substituting for the figure “£39” in paragraph (1), the figure “£78”; and
- (b) by substituting for the figure “£52” in paragraphs (4) and (6), the figure “£104”.

Employer's additional contributions

9. Regulation 43 is amended by inserting after paragraph (6) the following paragraphs:

“(6A) Where on the officer ceasing to hold his employment, the employing authority agree to pay a sum under paragraph 4A(5) of Schedule 10 and the officer pays the required amount for the purposes of that paragraph, the employing authority shall pay the agreed sum into the fund before the end of the period of 1 month beginning on the date of the employee's payment.”

“(6B) If all or part of the agreed sum remains unpaid at the end of that period, the Committee may require the employing authority to pay interest, calculated at the standard rate on a day to day basis from the day after the end of the period to the date of payment, and compounded with 3-monthly rests, on the amount remaining unpaid.”

“(6C) Interest paid under paragraph (6B) shall be carried to the fund.”.

Method and calculation of payment by employees to avoid reduction under regulation 20(2)(a) or (b)

10.—(1) Paragraph 2 of Part I of Schedule 3 to the principal regulations is amended—

- (a) by substituting for the words from “F is the figure” to “that election” the following:

“F is, in the case of a man, the figure specified in column 2 of the table below opposite to his age on his birthday next following the date on which he made that election; and in the case of a woman, a figure to be specified by the Government Actuary”; and

- (b) by substituting for the table the following table:

"TABLE

(1) <i>Age on birthday next following election</i>	(2) <i>Figure to be used</i>
25	2.76
26	2.61
27	2.51
28	2.44
29	2.39
30	2.35
31	2.31
32	2.28
33	2.25
34	2.23
35	2.21
36	2.20
37	2.18
38	2.17
39	2.16
40	2.15
41	2.14
42	2.13
43	2.12
44	2.11
45	2.10
46	2.09
47	2.08
48	2.08
49	2.09
50	2.10
51	2.12
52	2.14
53	2.16
54	2.18
55	2.20
56	2.22
57	2.24
58	2.26
59	2.28
60	2.30
61	2.31
62	2.32
63	2.33
64	2.34"

(2) Paragraph 3 of Part III of Schedule 3 to the principal regulations is amended—

(a) by substituting for the words from "F is the figure" to "specified birthday" the following:

"F is, in the case of a man, the figure specified, opposite to his age on his birthday next following the date on which he made that election, in the relevant column of the table below appropriate to his specified birthday; and in the case of a woman, a figure to be specified by the Government Actuary"; and

(b) by substituting for Table I and Table II the following table:

“TABLE

Age on birthday next following election	Figure to be used by reference to the under-mentioned specified birthday					
	60	61	62	63	64	65
25	.07					
26	.07					
27	.07					
28	.07					
29	.08					
30	.08					
31	.08					
32	.08					
33	.09					
34	.09					
35	.09					
36	.10					
37	.10	.10				
38	.11	.10	.10			
39	.12	.11	.10	.09		
40	.12	.11	.11	.10	.09	
41	.13	.12	.11	.10	.10	.09
42	.14	.13	.12	.11	.10	.10
43	.14	.13	.12	.12	.11	.10
44	.15	.14	.13	.12	.11	.11
45	.16	.15	.14	.13	.12	.11
46	.17	.16	.15	.14	.13	.12
47	.19	.17	.16	.15	.14	.13
48	.21	.19	.17	.16	.15	.14
49	.23	.21	.18	.17	.16	.15
50	.25	.23	.20	.18	.17	.16
51	.28	.25	.22	.20	.18	.17
52	.32	.28	.25	.22	.20	.18
53	.37	.32	.28	.24	.22	.20
54	.43	.36	.31	.27	.24	.22
55	.52	.42	.36	.31	.27	.24
56	.65	.51	.42	.35	.30	.27
57	.87	.63	.50	.41	.34	.30
58	1.30	.84	.62	.49	.40	.35
59	2.62	1.26	.83	.61	.48	.41
60		2.53	1.24	.82	.60	.48
61			2.48	1.22	.80	.60
62				2.40	1.20	.80
63					2.37	1.21
64						2.39”

Reduction of benefits under regulation 20(6)

11. For the table in Schedule 4 to the principal regulations there shall be substituted the following table:

"TABLE

(1) Number of years	Percentage reduction to be made under regulation 20(6)		
	Retirement pension		Retiring allowance
	(2) Male	(3) Female	(4) Both sexes
0	0	0	0
1	8	7	2
2	15	13	5
3	22	18	7
4	28	23	9
5	33	27	11"

Amount to be paid for additional period

12. Schedule 9 to the principal regulations is amended—

(a) by substituting for paragraph 2 the following:

"2. The formula mentioned in paragraph 1 is—

$$\frac{T \times R \times F}{100}$$

where—

- T is the length (expressed in terms of complete years and a fraction of a year) of the additional period the officer wishes to reckon as contributing service,
 R is the remuneration of the officer at the time he made the election under regulation 44, and
 F is the figure specified, opposite to the age of the officer on his birthday next following the date on which he made the election under regulation 44 in the relevant column of Table I or II below appropriate to his pensionable age as defined in paragraph 5.

TABLE I

Males

Age on birthday next following election	<i>Figure to be used by reference to the under-mentioned pensionable age</i>							
	<i>Officer to whom on retirement regulation 20(8) would apply</i>	<i>Others</i>						
	65	60	<i>Over 60 and under 61</i>	<i>61 and under 62</i>	<i>62 and under 63</i>	<i>63 and under 64</i>	<i>64 and under 65</i>	65
26		22.20						
27		21.40						
28		20.80						
29		20.30						
30		19.90						
31		19.60						
32		19.30						
33		19.10						
34		18.90						
35		18.80						
36		18.70	18.50					
37		18.60	18.40	18.00				
38		18.60	18.40	17.90	17.50			
39		18.60	18.40	17.90	17.50	17.10		
40		18.60	18.40	17.90	17.50	17.10	16.70	
41		18.70	18.40	18.00	17.60	17.20	16.70	16.50
42		18.80	18.50	18.00	17.60	17.20	16.80	16.60
43		18.90	18.60	18.10	17.70	17.20	16.80	16.60
44		19.00	18.70	18.20	17.80	17.30	16.90	16.70
45		19.10	18.80	18.30	17.90	17.40	16.90	16.70
46	17.30	19.20	18.90	18.40	18.00	17.50	17.00	16.80
47	17.40	19.30	19.00	18.50	18.10	17.60	17.10	16.90
48	17.50	19.40	19.10	18.60	18.20	17.70	17.20	17.00
49	17.60	19.50	19.20	18.70	18.30	17.80	17.30	17.10
50	17.70	19.70	19.40	18.80	18.40	17.90	17.40	17.20
51	17.80	19.90	19.50	19.00	18.50	18.00	17.50	17.30
52	17.90	20.10	19.80	19.20	18.70	18.10	17.60	17.40
53	18.00	20.30	20.00	19.40	18.90	18.30	17.70	17.50
54	18.10	20.50	20.20	19.60	19.10	18.50	17.80	17.60
55	18.30	20.70	20.40	19.80	19.30	18.70	18.00	17.80
56	18.50	20.90	20.60	20.00	19.50	18.90	18.20	18.00
57	18.70	21.20	20.90	20.20	19.70	19.10	18.40	18.20
58	18.90	21.50	21.20	20.50	19.90	19.30	18.60	18.40
59	19.10	21.80	21.50	20.80	20.10	19.50	18.80	18.60
60	19.40			21.10	20.40	19.70	19.10	18.80
61	19.70				20.70	19.90	19.30	19.00
62	20.00					20.10	19.50	19.30
63	20.30						19.70	19.60
64	20.70							19.90

TABLE II

Females

Age on birthday next following election	<i>Figure to be used by reference to the under-mentioned pensionable age</i>							
	<i>Officer to whom on retirement regulation 20(8) would apply</i>	<i>Others</i>						
	65	60	<i>Over 60 and under 61</i>	<i>61 and under 62</i>	<i>62 and under 63</i>	<i>63 and under 64</i>	<i>64 and under 65</i>	65
26		20.40						
27		19.80						
28		19.40						
29		19.00						
30		18.70						
31		18.60						
32		18.60						
33		18.70						
34		18.70						
35		18.80						
36		18.90	18.60					
37		19.00	18.70	18.20				
38		19.10	18.80	18.30	17.80			
39		19.30	19.00	18.40	17.90	17.30		
40		19.40	19.10	18.60	18.00	17.40	16.90	
41		19.60	19.30	18.70	18.10	17.50	17.00	16.70
42		19.70	19.40	18.80	18.20	17.60	17.10	16.80
43		19.80	19.50	18.90	18.30	17.80	17.20	16.90
44		19.90	19.60	19.00	18.40	17.90	17.30	17.00
45		20.10	19.70	19.10	18.50	18.00	17.40	17.10
46	18.80	20.20	19.90	19.20	18.60	18.10	17.50	17.20
47	18.90	20.40	20.00	19.40	18.80	18.20	17.60	17.30
48	19.00	20.50	20.20	19.50	18.90	18.30	17.70	17.40
49	19.10	20.60	20.30	19.60	19.00	18.40	17.80	17.50
50	19.20	20.80	20.40	19.80	19.20	18.60	17.90	17.60
51	19.30	21.00	20.60	19.90	19.30	18.70	18.00	17.70
52	19.40	21.10	20.80	20.10	19.40	18.80	18.20	17.90
53	19.50	21.30	21.00	20.30	19.60	19.00	18.30	18.00
54	19.60	21.50	21.20	20.40	19.80	19.10	18.40	18.10
55	19.80	21.70	21.40	20.60	19.90	19.20	18.60	18.20
56	20.00	21.90	21.60	20.80	20.10	19.40	18.70	18.30
57	20.20	22.10	21.80	21.00	20.30	19.60	18.80	18.50
58	20.40	22.30	22.00	21.20	20.50	19.80	19.00	18.70
59	20.60	22.60	22.20	21.40	20.70	20.00	19.20	18.90
60	20.80			21.70	20.90	20.20	19.40	19.10
61	21.10				21.20	20.40	19.60	19.30
62	21.40					20.50	19.80	19.50
63	21.70						20.00	19.80
64	22.00							20.10

(b) by substituting for the words "paragraph 4(1)" in paragraph 3, the words "paragraph 4";

(c) by substituting for paragraph 4 the following paragraph:

"4. The formula mentioned in paragraph 3 is—

$$\frac{T \times R \times F}{100}$$

100

where—

T is the length (expressed in terms of complete years and a fraction of a year) of the additional period the officer wishes to reckon as contributing service,

R is the remuneration for the time being of the officer; and

F is the figure specified opposite to the age of the officer on his birthday next following the date on which he made the election under regulation 44 in the relevant column of Table I or II below appropriate to his pensionable age as defined in paragraph 5.

TABLE I

Males

Age on birthday next following election	<i>Figure to be used by reference to the under-mentioned pensionable age</i>							
	<i>Officer to whom on retirement regulation 20(8) would apply</i>	<i>Others</i>						
	65	60	Over 60 and under 61	61 and under 62	62 and under 63	63 and under 64	64 and under 65	65
26		0.58						
27		0.60						
28		0.62						
29		0.64						
30		0.66						
31		0.68						
32		0.71						
33		0.74						
34		0.77						
35		0.80						
36		0.84	0.83					
37		0.88	0.87	0.82				
38		0.93	0.91	0.86	0.81			
39		0.98	0.96	0.90	0.85	0.80		
40		1.03	1.01	0.95	0.90	0.84	0.80	
41		1.09	1.07	1.00	0.95	0.89	0.84	.81
42		1.16	1.14	1.06	1.00	0.94	0.88	0.85
43		1.23	1.22	1.13	1.06	0.99	0.93	0.89
44		1.31	1.30	1.20	1.12	1.05	0.98	0.93
45		1.40	1.39	1.28	1.19	1.11	1.04	0.98
46	1.08	1.51	1.49	1.37	1.27	1.18	1.10	1.04
47	1.15	1.64	1.61	1.48	1.36	1.26	1.17	1.11
48	1.23	1.79	1.75	1.61	1.47	1.35	1.25	1.18
49	1.31	1.97	1.92	1.76	1.60	1.45	1.34	1.26
50	1.40	2.18	2.13	1.93	1.75	1.57	1.44	1.35
51	1.50	2.42	2.38	2.12	1.92	1.71	1.56	1.45
52	1.62	2.74	2.69	2.36	2.11	1.88	1.70	1.57
53	1.76	3.15	3.09	2.66	2.33	2.08	1.86	1.71
54	1.92	3.68	3.62	3.05	2.63	2.31	2.05	1.87
55	2.12	4.44	4.36	3.57	3.02	2.60	2.28	2.06
56	2.36	5.53	5.45	4.30	3.53	2.98	2.56	2.29
57	2.66	7.40	7.28	5.36	4.23	3.49	2.94	2.58
58	3.04	11.08	10.90	7.17	5.30	4.18	3.43	2.95
59	3.56	22.25	21.88	10.70	7.06	5.21	4.12	3.45
60	4.26			21.50	10.55	6.95	5.12	4.12
61	5.32				21.11	10.37	6.83	5.14
62	7.09					20.41	10.18	6.84
63	10.64						20.14	10.25
64	21.10							20.32

TABLE II

Females

Age on birthday next following election	<i>Figure to be used by reference to the under-mentioned pensionable age</i>							
	<i>Officer to whom on retirement regulation 20(8) would apply</i>	<i>Others</i>						
	65	60	Over 60 and under 61	61 and under 62	62 and under 63	63 and under 64	64 and under 65	65
26		0.59						
27		0.61						
28		0.63						
29		0.65						
30		0.68						
31		0.71						
32		0.74						
33		0.77						
34		0.80						
35		0.83						
36		0.87	0.86					
37		0.91	0.90	0.85				
38		0.96	0.94	0.89	0.83			
39		1.01	0.99	0.93	0.87	0.82		
40		1.07	1.05	0.98	0.91	0.86	0.80	
41		1.13	1.11	1.03	0.96	0.90	0.84	0.80
42		1.20	1.18	1.09	1.01	0.95	0.88	0.84
43		1.28	1.26	1.16	1.07	1.00	0.93	0.88
44		1.37	1.34	1.23	1.14	1.06	0.98	0.93
45		1.46	1.43	1.31	1.21	1.12	1.04	0.98
46	1.14	1.57	1.54	1.40	1.29	1.19	1.11	1.04
47	1.21	1.70	1.67	1.51	1.38	1.27	1.18	1.11
48	1.29	1.85	1.82	1.64	1.49	1.36	1.26	1.18
49	1.38	2.03	1.99	1.79	1.62	1.46	1.35	1.26
50	1.48	2.24	2.20	1.96	1.77	1.58	1.45	1.35
51	1.59	2.50	2.46	2.17	1.94	1.72	1.57	1.45
52	1.72	2.83	2.78	2.42	2.14	1.89	1.71	1.57
53	1.87	3.24	3.19	2.73	2.38	2.09	1.87	1.71
54	2.05	3.80	3.73	3.13	2.69	2.33	2.06	1.87
55	2.26	4.58	4.50	3.67	3.08	2.63	2.30	2.06
56	2.52	5.73	5.64	4.40	3.60	3.02	2.59	2.30
57	2.84	7.66	7.53	5.51	4.33	3.54	2.96	2.59
58	3.24	11.47	11.26	7.36	5.40	4.24	3.47	2.96
59	3.79	22.86	22.45	11.05	7.20	5.30	4.15	3.46
60	4.53			22.15	10.79	7.05	5.17	4.14
61	5.65				21.64	10.59	6.89	5.17
62	7.52					20.72	10.24	6.87
63	11.28						20.34	10.29
64	22.44							20.46

(d) by inserting after paragraph 4 the following paragraph:

“5. In paragraphs 2 and 4 “pensionable age” means the earliest age at which, if the officer were to remain an officer without any break in service, he would become entitled by virtue of regulation 18(1)(a), (b)(ii) or (d), if he then ceased to be employed, to a pension.”.

Provisions applicable as respects additional contributions while any amount remains outstanding

13. Schedule 10 to the principal regulations is amended—

(a) by substituting for the words “paragraph 5”, in paragraph 3, the words “paragraphs 4A and 5”; and

(b) by inserting after paragraph 4 the following paragraph:

“4A.—(1) If—

- (a) one of the conditions prescribed in regulation 18(3)(a) and (b) applies in the case of an officer falling within paragraph 3(a),
- (b) the last day of his employment is not less than 12 months later than the date of notification of the consent given under regulation 43(1) or, as the case may be, the date of the notice given under regulation 45(1), and
- (c) he gives notice in writing for the purpose to the Committee within the period of 3 months beginning on 1st November 1986 or the day after the last day of his employment if later,

he shall if he pays the required amount to the fund within the period specified in sub-paragraph (3) be treated as having completed payment in accordance with regulation 43(3) or, as the case may be, regulation 45(4) or the corresponding provision of the previous regulations.

(2) The Committee may accept a notice given under sub-paragraph (1)(c) notwithstanding that sub-paragraph (1)(b) is not satisfied.

(3) The period mentioned in sub-paragraph (1) is the period of 1 month beginning on the date on which the person is notified by the Committee of the required amount.

(4) For the purposes of this paragraph the required amount is, subject to sub-paragraph (5), an amount calculated by the fund’s actuary to represent—

(a) where the officer has commenced payment in accordance with regulation 43(3), the capital value of—

- (i) the additional contributions remaining to be paid by him under regulation 43, and
- (ii) the additional contributions remaining to be paid by the employing authority under regulation 43(6), or

(b) where the officer has commenced payment in accordance with regulation 45(4) or with the corresponding provision of the previous regulations, the capital value of the additional contributions remaining to be paid by him under regulation 45 or under the corresponding provision of the previous regulations.

(5) Where sub-paragraph (4)(a) applies, the employing authority may notify the Committee and the officer that they agree to pay to the fund a sum not exceeding half of the amount calculated in accordance with sub-paragraph (4) and in that event the required amount is the balance of the amount so calculated.”.

Right to opt out

14. No provision of these regulations shall apply to any person to whom at any time before 1st November 1986 any benefit (including a return of contributions or any

pension payable to a widow or any dependant by virtue of a surrender) was or is being paid or became or may become payable if—

- (a) he is placed by that provision in a worse position than he would have been if it had not applied in relation to that benefit; and
- (b) that provision relates to a benefit paid or payable in respect of a person who—
 - (i) ceased before 1st November 1986 to hold an employment in respect of which he was an officer, or
 - (ii) died before that date while still in such an employment; and
- (c) the first-mentioned person by notice in writing given to the Committee within 3 months after 1st November 1986, elects that the provision shall not apply to him.

Sealed with the Official Seal of the Department of the Environment on 10th September 1986.

(L.S.)

N. Hamilton

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Local Government (Superannuation) Regulations (Northern Ireland) 1981 as follows:

- (a) Regulations 3(a) and 7 raise from 16 to 17 years the age at which a child's pension ceases to be payable or is subject to reduction on account of remuneration received during full-time training (these provisions are effective from 6th January 1986).
- (b) Regulation 4 amends the reference to fire service staff to take account of the Fire Services (Northern Ireland) Order 1984.
- (c) Regulation 5 changes the interest rate on sums overdue from employers in respect of their own and their employees' superannuation contributions from 9% to 1% above the London Clearing Bankers base rate as specified in regulation 3(b).
- (d) Regulations 6 and 13 allow an officer who is made redundant after electing to pay additional contributions for certain purposes to be treated as having completed payment if he pays the capitalised value of the outstanding contributions and of any related contributions payable by the employing authority. The latter element, or part of it, may be met by that authority and regulation 9 obliges them to give effect to any undertaking to do so.
- (e) Regulation 8 increases from £39 to £78 the maximum annual pension which may be compounded in the case of a former officer and from £52 to £104 for a widow's or child's pension. The provision is retrospective to 1st October 1983.
- (f) Regulations 10, 11 and 12 substitute new tables of factors to be used in calculating respectively, payments to be made to avoid reduction of a retiring allowance in respect of certain service; for reduction of benefits if paid early (this provision is effective from 1st October 1983); and for securing additional contributing service.

Article 14 of the Superannuation (Northern Ireland) Order 1972 confers express power to make regulations retrospective in effect. These regulations are to a certain extent retrospective. Where rights in relation to ex-employees could be adversely affected, provision is made for opting out (regulation 14).