
STATUTORY RULES OF NORTHERN IRELAND

1992 No. 547

**Local Government (Superannuation)
Regulations (Northern Ireland) 1992**

PART G

MODIFICATIONS IN SPECIAL CASES

Application to existing officers

G1. In their application to existing officers these regulations shall have effect subject to the modifications set out in Part I of Schedule 15.

Special provisions for the reckoning by existing officers as service of certain kinds of employment prior to 1st April 1950

G2.—(1) Where an existing officer was entitled—

- (a) by virtue of regulation 5(6) of the 1950 regulations or the corresponding provision of the Belfast Corporation Superannuation Scheme to reckon as service any period of employment between 1st April 1939 and 4th February 1948, during which he was subject to the Act of 1937 or any other scheme approved for the purposes of regulation 5(6) of the 1950 regulations;
- (b) by virtue of regulation 15(1)(a) of the 1950 regulations or the corresponding provision of the Belfast Corporation Superannuation Scheme to reckon as service any period of employment prior to 1st April 1950 which was reckonable at that date for the purpose of calculating superannuation benefits under the Act of 1865, the Act of 1869, the Act of 1875, the Act of 1919 or any local Act;
- (c) by virtue of the proviso to regulation 15(8) of the 1950 regulations or the corresponding provision of the Belfast Corporation Superannuation Scheme to reckon as service any period of employment prior to 1st April 1950 under an employing authority;
- (d) by virtue of regulation 15(1)(a) or (b) of the 1951 Scheme to reckon as service any period of employment with the North of Ireland Chemical Company Ltd., the Holywood Gas Company or the Belfast Society for providing Nurses for the Sick Poor; or
- (e) by virtue of the proviso to regulation 23 of the 1951 Scheme to reckon as service any period of employment prior to 1st April 1950 reckonable at that date for the purpose of calculating superannuation benefits under the Act of 1943 and any period of employment after that date up to the date when the proviso became applicable to him and in respect of which he had contributed in accordance with the terms thereof,

and that period of employment would have continued to be reckonable under the former regulations had these regulations not been made, then any such period of employment as aforesaid shall be reckonable as service in relation to the employment in which he is a pensionable employee.

(2) Where an existing officer who was subject to the provisions of the Act of 1943 and who did not exercise the option referred to in regulation 23 of the 1951 Scheme is transferred to an office which is, or holds an office which becomes, one which prior to 1st April 1950 would have been pensionable under the Act of 1869, any period of employment under the Belfast Corporation prior to 1st April 1950 which would have been at the date when this regulation becomes applicable to him reckonable as service for the purposes of that Scheme if he had exercised the option under that regulation, shall be reckonable as service under these regulations; but the period of employment from 1st April 1950 to the said date shall be reckonable as service only if he notifies the authority by whom he is employed, being a district council or public body, within 3 months after that date that he intends to pay and pays to that authority all arrears of contributions as from 1st April 1950 either in a lump sum or by such instalments as that authority may allow and in respect of such instalments the provisions of paragraph 2 and 3 of the second Schedule to the 1962 regulations shall apply as if those regulations had not been revoked.

(3) In this regulation—

“the 1951 Scheme” means the Superannuation Scheme made by the Belfast Corporation under section 5A of the Act of 1950, as amended, on 20th April 1951.

Added years in the case of certain existing officers

G3.—(1) Subject to paragraph (2), where an existing officer to whom regulation 43(1) of the 1962 regulations or the corresponding provision of the Belfast Corporation Superannuation Scheme applied possessing technical, professional or other special qualifications was appointed when above 30 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 his resignation, retirement or death, direct that there shall be added to the length of his service as such officer such number of years not exceeding 10 as the employing authority may fix and any such years so added shall be reckonable as years of contributing service.

(2) A direction shall not be made under paragraph (1) in respect of an existing officer if a consent has been given in respect of him under regulation 43(1) of the 1981 regulations or under the corresponding provision of the former regulations.

(3) There shall be paid into the fund by an existing officer in respect of whom a direction is made under paragraph (1), or by his personal representatives, for each of the years added to his service by virtue of the direction, a contribution equal to 5% of the amount of the annual remuneration payable to him during the year which commenced on 1st April 1950, together with compound interest thereon as from 1st January 1952, up to the day preceding 1st December 1962, at the rate of 2½% per annum and as from 1st December 1962, at the rate of 3¼% per annum.

(4) There shall be paid into the fund by the employing authority in respect of an existing officer in respect of whom a direction is made under paragraph (1) such amount as may be actuarially determined as representing the difference between the amount of the contributions required to be made by the existing officer in accordance with paragraph (3) and the capital value of the additional liability falling upon the fund by virtue of the direction having been made.

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

Application to certain female nurses, physiotherapists, midwives and health visitors

G4. In their application to a pensionable employee to whom regulation 50 of the 1981 regulations applied, these regulations shall have effect subject to the modifications set out in Part II of Schedule 15.

Power to agree notional remuneration

G5.—(1) An employing authority may from time to time enter into an agreement with the bodies or persons representative of any class or description of employee of that authority specifying the method by which an amount representing the whole of the remuneration of a member of that class or, as the case may be, an employee of that description or such part of his remuneration as is specified in the agreement shall, in respect of the period during which the agreement remains in force, be determined.

(2) Where an employee of an employing authority belongs to a class or description of employee in relation to which an agreement entered into by that body under paragraph (1) is in force, then in respect of the period during which that agreement remains in force and the employee in his employment under that authority remains an employee of that class or description, the amount determined in relation to him in accordance with the method specified in the agreement as the amount representing the whole of his remuneration or, as the case may be, such part of his remuneration as is specified in the agreement shall be deemed for the purposes of these regulations to be his remuneration or, as the case may be, such part of his remuneration as is so specified.

(3) Where an employing authority enter into an agreement under paragraph (1) they shall send a written notification of that fact, which shall include a conspicuous statement directing the attention of the employee to the place at which he may obtain information about details of the agreement, to each of their employees who is a member of a class or, as the case may be, an employee of a description, to which the agreement relates.

(4) The notification required by paragraph (3) shall be sent—

- (a) in the case of a person in the employment of the employing authority on the date on which the agreement was entered into, as soon as is reasonably practicable after that date; and
- (b) in the case of a person entering the employment of that authority after that date, within 3 months after he has entered that employment.