STATUTORY RULES OF NORTHERN IRELAND

2005 No. 534

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation) (Amendment No. 2) Regulations (Northern Ireland) 2005

Made - - - -	*28th November 2005*
Coming into operation	*16th December 2005*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred upon it by Articles 12 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**2**) and of all other powers enabling it in that behalf, and after consulting with such representatives of persons likely to be affected by these Regulations as appear to it to be appropriate as required by Article 12(4) of that Order, and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation, commencement and retrospective effect

1. These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment No. 2) Regulations (Northern Ireland) 2005 and shall come into operation on 16th December 2005 but—

(a) regulations 3(1) and (2), 4(1)(a), (b) and (c), (2)(a), (b) and (c), (3), (4)(a), (5), (6), (7), (8) shall have effect from 1st April 2001;

(b) regulation 4(2)(d), (4)(b) and (c) shall have effect from 1st April 2002;

(c) regulation 3(3), 4(1)(d) shall have effect from 1st April 2004.

Interpretation

2. In these Regulations "the principal Regulations" means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**3**).

Amendment of regulation 2 of the principal Regulations (Interpretation)

3.—(1) In regulation (2) (Interpretation) of the principal Regulations for the definition of "practitioner" there is substituted—

(**1**) *See* S.I.1999/283 (N.I.): Article 3(6)
(**2**) S.I. 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13)
(**3**) S.R. 1995 No. 95 as amended by S.R. 1997 No. 217, S.R. 1997 No. 390, S.R. 1998 No. 299, S.R. 1999 No. 293, S.R. 2002 No. 69, S.R. 2004 Nos. 103 and 104 and S.R. 2005 No. 155

""practitioner" means—

(a) a registered medical practitioner, other than a trainee practitioner, who is a principal practitioner, an assistant practitioner, an associate general practitioner, a locum practitioner (other than a person treated as an officer under regulation 83A of the principal Regulations (Participators in pilot schemes)); or

(b) a registered dentist, other than a person who is paid wholly by way of salary by an employing authority or a person treated as an officer under regulation 83A;".

(2) The following definitions are inserted in alphabetical order at the appropriate places—

"assistant practitioner" has the meaning given in paragraph 1 of Schedule 2;

"associate general practitioner" has the meaning given in paragraph 1 of Schedule 2;

"locum practitioner" has the meaning given in paragraph 1 of Schedule 2;

"medical performers list" means a list of registered medical practitioners prepared and published by a Health and Social Services Board pursuant to regulation 4(1) of the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(**4**);

"out of hours services" has the same meaning as in regulation 2 of the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(**5**);

"principal practitioner" has the meaning given in paragraph 1 of Schedule 2;

"the 1972 Order" means the Health and Personal Social Services (Northern Ireland) Order 1972(**6**).".

Amendment of Schedule 2 of the principal Regulations (Medical and dental practitioners)

4.—(1) In paragraph 1 of Schedule 2 (Additional definitions used in this Schedule)—

(a) in the definition of "assistant practitioner" for the words "a practitioner" there shall be substituted the words "a registered medical practitioner or registered dentist, being a practitioner,";

(b) in the definition of "associate general practitioner" for the words "a medical practitioner" there are substituted the words "a registered medical practitioner other than a trainee practitioner";

(c) the following definition shall be inserted at the appropriate place—

""locum practitioner" means—

(a) for the period beginning with and including 1st April 2001 to 31st March 2002, a registered medical practitioner other than a trainee practitioner who —

(i) is not a principal practitioner, associate general practitioner, an assistant practitioner or a person who is being treated as a practitioner under regulation 83A (participants in pilot schemes); and

(ii) is engaged under a contract for services with a practitioner otherwise than in pursuance of a commercial arrangement with an agent, to deputise or assist in the provision of general or personal medical services under Part IV of the 1972 Order.

(b) From the period beginning with and including 1st April 2002 to 31st March 2004, a registered medical practitioner, other than a trainee medical

(**4**) S.R. 2004 No. 149
(**5**) S.R. 2004 No. 140
(**6**) S.I. 1972 /1265

practitioner, who is engaged under a contract for services with a practitioner, otherwise than in pursuance of a commercial arrangement with an agent, to deputise or assist in the provision of general medical services or personal medical services under Part IV of the 1972 Order.

(c) From 1st April 2004 a registered medical practitioner (other than a trainee practitioner) whose name is included in a medical performers list and who is engaged, otherwise than in pursuance of a commercial arrangement with an agent, under a contract for services to deputise or assist temporarily in the provision of primary medical services, except for out of hours services under Part IV of the 1972 Order.".

(d) for the definition of "principal practitioner" there shall be substituted—

""principal practitioner" means a registered medical practitioner or registered dentist who is included in a list prepared in accordance with Regulations made under Article 57G of the 1972 Order(**7**);".

(2) In paragraph 2(1) of Schedule 2 (Application of Regulations with modifications)—

(a) after the word "Agency" in both places where it occurs there shall be inserted "or, in the case of a locum practitioner, the relevant Health and Social Services Board";

(b) after paragraph 2(1) there shall be inserted a new sub-paragraph—

"(1A) In sub-paragraph (1) "relevant Health and Social Services Board" means the Health and Social Services Board in whose medical list the practitioner with whom the locum practitioner is engaged under a contract for services is included or the relevant Health and Social Services Board for the purposes of regulation 83A";

(c) at the end of paragraph 2(2) insert the words "(unless and to the extent that paragraph 2A applies in any particular case, any remuneration in respect of locum practitioner work concurrent with practitioner service is excluded from being superannuable earnings).";

(d) in paragraph 2(2) omit the words following "as a practitioner".

(3) After paragraph 2 there is inserted—

"**Membership: locum practitioners**

2A.—(1) Regulation 6 (Membership of the scheme) does not apply to locum practitioners.

(2) A locum practitioner may apply to join the scheme by sending an application to the employing authority and submitting such evidence relating to his service as a locum practitioner and the contributions payable in respect of it as are required by the authority.

(3) On receiving such an application, such evidence and such contributions, the employing authority must submit the application to the Department.

(4) If a locum wishes to apply to join the scheme from a date earlier than 16th December 2005 he must submit an application under paragraph (2)—

(a) in a case where immediately before 16th December 2005 he is engaged under a contract for services with a practitioner, by virtue of which he is a locum practitioner, not later than twenty weeks after he ceases to be so engaged, and

(b) in any other case, before 31st August 2006.

(5) Except where sub-paragraph (4) applies, no application may be made under sub-paragraph (2) in respect of a period of engagement as a locum practitioner ending earlier than ten weeks before the date of application.".

(**7**) 1972 No. 1265 (N.I. 4): Article 57G was inserted by Article 8 of the Primary Medical Services (Northern Ireland) Order 2004 (2004 No. 311 (N.I. 2))