STATUTORY RULES OF NORTHERN IRELAND

1999 No. 293

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*28th June 1999*
Coming into operation	*9th August 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 12 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**1**) and of all other powers enabling it in that behalf, 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.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1999.

(2) These Regulations shall come into operation on 9th August 1999 and shall have effect from 1st April 1999(**2**).

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

3. In regulation 2—

(a) after the definition of "contracting-out requirements" there shall be inserted the following definitions—

(**1**) S.I. 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13)
(**2**) *See* Article 14(1) of the Superannuation (Northern Ireland) Order 1972 which provides that certain Regulations may be framed so as to have effect from a date earlier than that of their making
(**3**) S.R. 1995 No. 95 as amended by S.R. 1997 Nos. 217 and 390 and S.R. 1998 No. 299

""dental hygienist" means a person whose name is included in the roll of dental hygienists referred to in regulation 21 of the Dental Auxiliaries Regulations 1986(**4**);

"dental list" means a list kept pursuant to the General Dental Services Regulations (Northern Ireland) Order 1993(**5**);

"dental pilot scheme employee" means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by an individual providing those services;

"dental therapist" means a person whose name is included in the roll of dental therapists referred to in regulation 25 of the Dental Auxiliaries Regulations 1986;";

(b) after the definition of "health service scheme" there shall be inserted the following definition—

""HPSS dental employee" means an individual who, in connection with the provision of health services in the HPSS is employed by—

(a) a HSS Trust(**6**);

(b) a Health and Social Services Board(**7**);

(c) a registered dentist; or

(d) a registered dentist who is providing personal dental services in accordance with a pilot scheme;";

(c) after the definition "medical list"(**8**) there shall be inserted the following definition—

""medical pilot scheme employee" means an individual who, in connection with the provision of personal medical services in accordance with a pilot scheme, is employed by an individual providing those services;";

(d) after the definitions "qualifying service" there shall be inserted the following definition—

""registered dentist" has the meaning given in section 53(1) of the Dentists Act 1984(**9**);";

(e) the definition of "pilot scheme employee" shall be deleted;

(f) after the definition of "pay period" there shall be inserted the following definitions—

""personal dental services" has the meaning given in Article 3(7) of the 1997 Order";

""personal medical services" has the meaning given in Article 3(7) of the 1997 Order.".

Amendment of regulation 7 of the principal Regulations (Restrictions on membership)

4.—(1) In paragraph (d) of regulation 7 after the word "scheme" delete "." and substitute ";".

(2) After paragraph (d) of that regulation there shall be inserted the following paragraphs—

"(e) a person, other than a registered dentist or a dentist therapist, who is employed as a dental pilot scheme employee otherwise than by an HSS Trust, and who either—

(**4**) S.I. 1986/887
(**5**) S.R. 1993 No. 326
(**6**) The definition of a HSS Trust was inserted by S.R. 1998 No. 299
(**7**) The definition of a Health and Social Services Board was inserted by S.R. 1998 No. 299
(**8**) This definition was inserted by S.R. 1998 No. 299
(**9**) 1984 c. 24

(i) was, immediately prior to the commencement of such employment, a HPSS dental employee who was not eligible to join the scheme; or

(ii) has not previously been in employment as a HPSS dental employee;

(f) a provider of personal dental services under a pilot scheme to whom these Regulations did not apply immediately prior to the commencement of the pilot scheme, other than a registered dentist or a dental therapist.".

Amendment of regulation 10 of the principal Regulations (Contributions by members)

5. In paragraph 5 of regulation 10 for "21st" there shall be substituted "19th".

Amendment of regulation 14 of the principal Regulations (Early retirement pension (redundancy etc))

6. For paragraph (4) of regulation 14(**10**) there shall be substituted the following paragraph—

"(4) This regulation shall not apply to—

(a) a member who is providing piloted services;

(b) a member to whom regulation 83A(1)(a) or (b) applies; or

(c) a member who is a dental pilot scheme employee and who is employed by a provider of piloted services other than an HSS Trust.".

Amendment of regulation 15 of the principal Regulations (Early retirement pension (employer's consent))

7. For paragraph 4 of regulation 15 there shall be substituted the following paragraph—

"(4) This regulation shall not apply to—

(a) a member who is providing piloted services;

(b) a member to whom regulation 83A(1)(a) or (b) applies; or

(c) a member who is a dental pilot scheme employee and who is employed by a provider of piloted services other than an HSS Trust.".

Amendment of regulation 32 of the principal Regulations (Dependant child)

8.—(1) For paragraph (2)(b) of regulation 32 there shall be substituted the following paragraph—

"(b) born one year or less after the member leaves superannuable employment, and who is dependent on the member immediately after being born; and"

(2) After paragraph (b) there shall be inserted the following paragraph—

"(c) where the member has died, born one year or less after the date of death of the member and would have become dependent on the member if the member had not died before the child was born.".

Amendment of regulation 33 of the principal Regulations (payment of allowance)

9. In paragraph 33(2) for the words "after the member's death," there shall be substituted the words "one year or less after the date of death of the member,".

(**10**) Paragraph 4 was inserted by regulation 5 of S.R. 1998 No. 299