STATUTORY RULES OF NORTHERN IRELAND

1998 No. 299

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*21st August 1998*
Coming into operation	*1st October 1998*

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 and commencement

1. These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 1st October 1998.

Interpretation

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

Amendment of regulation 2 of the principal Regulations (Interpretation)

3. In regulation 2—

(a) after the definition of "the previous Regulations" there shall be inserted the following definition—

> ""the 1997 Order" means the Health Services (Primary Care) (Northern Ireland) Order 1997(**3**)

(b) in the definition of "employing authority"—

(**1**) S.I.1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13)
(**2**) S.R. 1995 No. 95 as amended by S.R. No. 217 of 1997 and S.R. No. 390 of 1997
(**3**) S.I. 1997/1177 (N.I. 7)

(i) in sub-paragraph (*e*) the word "and" shall be omitted;

(ii) in sub-paragraph (*f*)(**4**) for the word "staff" there shall be substituted "staff, and";

(iii) after sub-paragraph (*f*) there shall be inserted the following sub-paragraph—

"(g) a person who is providing piloted services."

(c) after the definition "guaranteed minimum pension" there shall be inserted the following definitions—

""Health and Social Services Board" means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**5**)

""HSS Trust" means a Health and Social Services Trust established under the Health and Personal Social Services (Northern Ireland) Order 1991(**6**)

(d) after the definition "Health Service Scheme" there shall be inserted the following definition—

""medical list" means a list kept pursuant to the General Medical Services Regulations (Northern Ireland) 1997(**7**)

(e) in sub-paragraph (*a*) of the definition of "occupational pension scheme" for "Chapter IV" there shall be substituted "Chapter I";

(f) after the definition of "personal pension scheme" there shall be inserted the following definitions—

""pilot scheme" has the meaning given in Article 3(1) of the 1997 Order";

""pilot scheme employee" has the meaning given in Article 4(3) of the 1997 Order";

""piloted services" has the meaning given in Article 3(4) of the 1997 Order";.

Amendment of regulation 13 of the principal Regulations (Early retirement pension (ill health))

4. In paragraph 10 of regulation 13 the words from "or" to "regulation 17)" shall be omitted.

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

5. In regulation 14 after paragraph 3(**8**) there shall be inserted the following paragraph—

"(4) This regulation shall not apply to a member who is providing piloted services under a pilot scheme.".

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

6. In regulation 15 after paragraph 3(**9**) there shall be inserted the following paragraph—

"(4) This regulation shall not apply to a member who is providing piloted services under a pilot scheme.".

(**4**) Sub-paragraph (*f*) was inserted by Regulation 3(*a*)(iii) of S.R. 1997 No. 390
(**5**) S.I. 1972/1265 (N.I. 14)
(**6**) S.I. 1991/194 (N.I. 1)
(**7**) S.R. 1997 No. 380
(**8**) Paragraph (3) was inserted by regulation 4 of S.R. 1997 No. 390
(**9**) Paragraph (3) was inserted by regulation 5 of S.R. 1997 No. 390

Amendment of regulation 52 of the principal Regulations (Early leavers returning to superannuable employment)

7. After paragraph 7 of regulation 52 there shall be inserted the following paragraph—

"(7A) Practice staff who were employed by a registered medical practitioner on both 31st August 1997 and 1st September 1997 and who—

(a) had previously been compulsorily transferred from a body referred to in sub-paragraph (*a*), (*b*), (*c*), (*d*) or (*e*) of the definition of "employing authority" in regulation 2, to employment with a registered medical practitioner referred to in sub-paragraph (*f*) of that definition; and

(b) were at time of the transfer paying for additional benefits by regular additional contributions under regulation 72; and

(c) rejoined the Health and Personal Social Services Superannuation Scheme with effect from 1st September 1997;

may resume payment of those additional contributions at the percentage rate, which applied prior to the transfer above, of current superannuable pay provided that the payments resume with effect from 1st September 1997."

Amendment of regulation 67 of the principal Regulations (Right to buy additional service)

8.—(1) In paragraph (6) of regulation 67 there shall be inserted the words "or, in the case of a special class officer, age 55" after the words "age 60" in each place where those words appear.

(2) After the table in paragraph (6) of regulation 67 there shall be inserted the following paragraphs—

"(6A) A member who—

(a) joined the Scheme on or after the 17th March 1987;

(b) has made an application prior to September 1997 to buy additional service; and

(c) does not commence making payments under regulation 72 until on or after 1st September 1997,

may, up until and including 31st August 1998, elect that paragraph (6) shall cease to apply to him.

(6B) Paragraph (6) shall cease to apply to a member who—

(a) joined the Scheme on or after the 17th March 1987;

(b) makes an application on or after 1st September 1997 to buy additional service; and

(c) commences payment under regulation 72 on or after 1st September 1997."

Amendment of regulation 77 of the principal Regulations (Members doing more than one job)

9. In regulation 77 —

(a) for paragraph (1) substitute the following paragraph—

"(1) This regulation applies to members in HPSS employment—

(a) with one or more employing authority;

(b) who hold, under one employing authority, two or more separate employments; or

(c) to whom paragraph 10A applies.";

(b) in paragraph (10) at the beginning there shall be inserted "Subject to paragraph (10A),";

(c) after paragraph (10), there shall be inserted the following paragraphs—

"(10A) A member who becomes entitled to a pension under regulation 14 as an officer, and has terminated his concurrent employment as a practitioner not more than 12 months before the date on which he becomes entitled to that pension, shall not be entitled to receive a pension under regulation 14 in respect of any employment as a practitioner, but shall only be entitled to receive a pension under regulation 12, regulation 16, or a preserved pension under regulation 49, in respect of such employment.

(10B) Where paragraph (10A) applies, the member may, in respect of any service as an officer which has terminated and to which paragraph (9)(1), (6) or (9) of Schedule 2 applies, elect for that paragraph not to apply and instead to receive a pension under regulation 14 in respect of that service.".

Amendment of regulation 81 of the principal Regulations (Former members of health service schemes)

10. In paragraph (1)(*b*) of regulation 81 for "National Health Service (Isle of Man) Act 1984" substitute "Superannuation Act 1984".

Insertion of new regulation 83A of the principal Regulations

11. After regulation 83 (Polygamous Marriages) of the principal Regulations there shall be inserted the following regulation—

"**Participators in pilot schemes**

83A. For the purposes of these Regulations, for the duration of any pilot scheme—

(a) a registered medical practitioner—

(i) whose name appears on a medical list prior to the commencement of a pilot scheme, or who, prior to the commencement of the pilot scheme, was an assistant practitioner; and

(ii) who was involved in the operation of a pilot scheme whether as a person providing piloted services, or as a pilot scheme employee;

shall be treated as a practitioner by the relevant Health and Social Services Board;

(b) a registered medical practitioner whose name does not appear on a medical list prior to the commencement of a pilot scheme, other than an assistant practitioner, shall be treated—

(i) as a practitioner employed by the relevant Health and Social Services Board if he provides piloted services under a pilot scheme; or

(ii) as an officer employed by the provider of the piloted services if he is a pilot scheme employee;

(c) a person who is providing piloted service shall be liable to pay contributions under regulation 11 in respect of a member who is employed by him as a pilot scheme employee;

(d) a member who, prior to the commencement of a pilot scheme—

(i) was employed in HPSS employment; or

(ii) was employed as a pilot scheme employee, and is not a registered medical practitioner,