1991 No. 506

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation, Premature Retirement and Injury Benefits) (Amendment) Regulations (Northern Ireland) 1991

Made . . . . . 27th November 1991

Coming into operation—

regulations 7, 8 and 11(b)(ii) and (c)	*6th April 1988*
regulation 11(a)	*11th April 1988*
regulation 9(a)	*15th April 1990*
regulations 3, 4 and 6(b)	*1st April 1991*
remainder	*14th January 1992*

The Department of Health and Social Services, in exercise of the powers conferred by Articles 12, 14 and 19 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf, after consulting such representatives of persons likely to be affected by these Regulations as appear to it to be appropriate, and with the consent of the Department of Finance and Personnel for Northern Ireland(**b**), hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Health and Personal Social Services (Superannuation, Premature Retirement and Injury Benefits) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation as follows—

(*a*) Regulations 7, 8, 11(*b*)(ii) and (*c*) on 6th April 1988;

(*b*) Regulation 11(*a*) on 11th April 1988;

(*c*) Regulation 9(*a*) on 15th April 1990;

(*d*) Regulation 3, 4 and 6(*b*) on 1st April 1991; and

(*e*) the remainder on 14th January 1992.

(2) In these regulations—

"the principal Regulations" means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984(**c**);

(**a**) S.I. 1972/1073 (N.I. 10); Article 14 was amended by the Pensions (Miscellaneous Provisions) (Northern Ireland) Order 1990 (S.I. 1990/1509 (N.I. 13)), Article 12

(**b**) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

(**c**) S.R. 1984 No. 336 as amended by S.R. 1988 No. 271, S.R. 1989 No. 173, S.R. 1990 No. 62 and S.R. 1990 No. 121

"the Compensation Regulations" means the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983(**a**); and

"the Injury Benefits Regulations" means the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 1975(**b**).

Amendment of regulation 3 of the principal Regulations

2. In regulation 3 of the principal Regulations (definitions)—

(*a*) at the end of the definition of "employing authority" there shall be added the words "a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**c**) and any body established under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(**d**);";

(*b*) after the definition of "non-participating employment" there shall be inserted the following definition—

"non-recurring bonus" means a payment made in recognition of performance in a particular period which—

(*a*) falls to be paid only once in respect of that period; and

(*b*) is an addition to the salary of an officer where either—

(i) the officer is entitled to the maximum salary which is payable in respect of his post; or

(ii) the officer has retired from his post before the date of the payment;";

(*c*) in the definition of "remuneration" after the words "but does not include" there shall be inserted the words "any non-recurring bonus,".

Amendment of regulation 5 of the principal regulations

3. In regulation 5 of the principal Regulations (participation in superannuation benefits)—

(*a*) in paragraph (1), at the beginning there shall be inserted the words "Subject to paragraph (1A)";

(*b*) after paragraph (1) there shall be inserted the following—

"(1A) An officer who has been a general dental practitioner and who has received a pension under regulation 7(1)(*a*)(vi) on account of the termination of an arrangement to provide general dental services pursuant to Article 61 of the Health and Personal Social Services (Northern Ireland) Order 1972(**e**) shall not accrue further entitlement to benefit under the scheme.".

(**a**) S.R. 1983 No. 155 as amended by S.R. 1986 No. 322
(**b**) S.R. 1975 No. 85 as amended by S.R. 1986 No. 151
(**c**) S.I. 1991/194 (N.I. 1)
(**d**) S.I. 1990/247 (N.I. 3)
(**e**) S.I. 1972/1265 (N.I. 14)

Amendment of regulation 60 of the principal Regulations

4. In regulation 60 of the principal Regulations (application to practitioners)—

(*a*) in paragraph (1), for the reference "paragraph (2)" there shall be substituted the reference "paragraphs (2) and (4)";

(*b*) after paragraph (3) there shall be inserted the following—

"(4) A practitioner who has been a general dental practitioner and who has received a pension under regulation 7(1)(*a*)(vi) on account of the termination of an arrangement to provide general dental services pursuant to Article 61 of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) shall not accrue further entitlement to benefit under the scheme.".

Amendment of regulation 79 of the principal Regulations

5. In regulation 79 of the principal Regulations (determination of questions), after the word "widow" there shall be inserted the word "; widower,".

Amendment of regulation 2 of the Compensation Regulations

6. In regulation 2 of the Compensation Regulations (interpretation)—

(*a*) in the definition of "employing authority" after the words "Central Services Agency for the Health and Social Services," there shall be inserted "a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**b**),";

(*b*) in the definition of "officer", in sub-paragraph (*a*), after the words "a practitioner as defined in regulation 2 of those regulations" there shall be inserted the words ", except a dental practitioner who satisfies the conditions set out in regulation 7(7) of the superannuation regulations (early retirement benefits);".

Amendment of regulation 6 of the Compensation Regulations

7. In regulation 6 of the Compensation Regulations (compensation payable to widow or dependants), after the word "widow" in each place where it occurs there shall be inserted the word ", widower".

Amendment of regulation 7 of the Compensation Regulations

8. In regulation 7 of the Compensation Regulations (compensation where death gratuity becomes payable) after the word "widow" there shall be inserted the word ", widower".

Amendment of regulation 2 of the Injury Benefits Regulations

9. In regulation 2 of the Injury Benefits Regulations (interpretation) in the definition of "employing authority"—

(**a**) S.I. 1972/1265 (N.I. 14)
(**b**) S.I. 1991/194 (N.I. 1)