1984 No. 336

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984

Made . . . . . *18th September 1984*

Coming into operation . . . . *29th October 1984*

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement.
2. Interpretation.
3. Definitions.

PART II

PROVISIONS RELATING TO OFFICERS EMPLOYED BY EMPLOYING AUTHORITIES AND OTHER OFFICERS ENGAGED IN HEALTH AND PERSONAL SOCIAL SERVICES

4. Application.
5. Participation in superannuation benefits.
6. Contributions.
7. Officer's pension and retiring allowance.
8. Rates of pension and retiring allowance.
9. Additional benefits for certain officers.
10. Allocation of part of pension to spouse or dependant.
11. Death gratuity.
12. Widow's pension.
13. Child's allowance.
14. Pensions of limited duration for widows and dependent children.
15. Widower's pension.
16. Power to compound small benefits.
17. Guaranteed minimum pension under the Pensions Order.
18. Reckoning as service of previous periods of employment.
19. Intervals in service due to illness or injury.
20. Reckoning of service in certain continuing employments.
21. Reckoning of previous employment as qualifying service in certain cases.
22. Purchase of added years of contributing service.

Regulation

23. Additional payments to reckon certain periods of service as contributing service at actual length.
24. Purchase of unreduced retiring allowance.
25. Limitation on reckonable service.
26. Reckoning of contributing service.
27. Continuation of additional contributory payments previously made under a local Act scheme.
28. Continuation of additional contributory payments previously made under certain schemes.
29. Provisions with respect to added years.
30. Continuation of additional contributions by transferred officers.
31. Method of calculating service, contributing service and non-contributing service.
32. Calculation of service in part-time employment.
33. Meaning of average remuneration.
34. Return of contributions.
35. Calculation of interest on contributions.
36. Reduction of pension in certain cases.
37. Separate benefits in the case of certain re-employed pensioners.
38. Combined benefits in the case of certain re-employed pensioners.
39. Calculation of benefits on death of re-employed pensioner.
40. Benefits of officers who have exercised option to retain rights corresponding with those previously enjoyed.
41. Additional pension for widows of certain optants.
42. Minimum benefits for certain optants.
43. Benefits of officers who did not exercise option to retain previous rights or in whose case options have ceased to have effect.
44. Persons subject to non-statutory superannuation schemes and arrangements.
45. Supplementary payments in the case of certain officers.
46. Discretionary payments in respect of certain officers.
47. Officers wishing to relinquish options.
48. Holders of joint appointments.
49. Female Nurses, Physiotherapists, Midwives and Health Visitors.
50. Mental Health Officers.
51. Modification of benefits and obligations under these regulations in connection with the National Insurance Act (Northern Ireland) 1946.
52. Modification of benefits and obligations under these regulations in connection with the Act of 1966.
53. Modification of benefits to take account of benefits under the Pensions Order.
54. Avoidance of duplicate benefits.
55. Benefits not assignable.
56. Payments without proof of title.
57. Disposal of sums payable to certain physically disabled persons.
58. Forfeiture of rights.
59. Accounts and actuarial investigations.

PART III

PROVISIONS RELATING TO MEDICAL AND DENTAL PRACTITIONERS

Regulation
60. Application of regulations with modifications.
61. Amendment of certain references to age.
62. Meaning of "remuneration".
63. Amendments with respect to contributions, etc.
64. Rate of pension for a practitioner.
65. Prior service to be treated as practitioner service.
66. Employment as an officer and as a practitioner.
67. Treatment of national service in certain cases.
68. Reckoning of practitioner service and remuneration.
69. Further employment not to be taken into account for reduction of pension in certain cases.
70. Further modifications with respect to assistant practitioners.
71. Modifications relating to certain part-time specialists.
72. Continuation of contracts or policies of insurance in certain cases.
73. Special provisions relating to service before the appointed day as dispensary medical officers and hospital officers.

PART IV

MISCELLANEOUS

74. Rights on transfer to other employment.
75. Provisions relating to approved employment.
76. Provisions relating to the Pensions (Increase) Act (Northern Ireland) 1971.
77. Provisions relating to contributions on a former higher rate of remuneration.
78. Declaration of entitlement.
79. Determination of questions.
80. Revocation and general savings.

SCHEDULES

SCHEDULE 1 — Allocation of part of pension.
SCHEDULE 2 — The calculation of transfer payments and of service to be credited in respect of transfer payments made to the Department.
SCHEDULE 3 — Reduction of pension under regulation 51(3).
SCHEDULE 4 — Reduction of pension and retiring allowance under regulation 75(2).
SCHEDULE 5 — Child's allowance.
SCHEDULE 6 — Part-time employments.
SCHEDULE 7 — Purchase of added years.
SCHEDULE 8 — Purchase of unreduced retiring allowance.
SCHEDULE 9 — Purchase of additional widow's pension.
SCHEDULE 10 — Modification of benefits and obligations under these regulations in connection with the Act of 1966.
SCHEDULE 11 — Revocation.

The Department of Health and Social Services, in exercise of powers conferred by Articles 12 and 14 of 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:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984, and shall come into operation on 29th October 1984, and shall take effect—

(*a*) for the purposes of regulation 4(1)(*e*) as from 1st April 1981;

(*b*) for the purposes of regulation 18(1)(*b*) as from 6th April 1978 in respect of any person who was an officer on or after that date;

(*c*) for the purposes of regulations 33(1) and 36(4)(*e*) as from 1st April 1980;

(*d*) for the purposes of regulation 65(1) and (2) and regulation 66(1) as from 31st March 1977; and

(*e*) for the purposes of all other regulations as from 29th October 1984.

Interpretation

2.—(1) In these regulations any reference to non-contributing service under a local Act scheme shall be construed as a reference to non-contributing service as defined in the relevant local Act scheme.

(2) In these regulations—

(*a*) reference to officers or to officers of an employing authority shall be construed as including references to persons who are deemed for the purposes of these regulations to be in the employment of an employing authority or of a body which is deemed to be an employing authority, and any other provisions relating to employment by or under an employing authority shall be construed accordingly; and

(*b*) references to a person's having become or having been an officer or a practitioner shall, if that person became an officer or a practitioner by virtue of the previous regulations, be construed as references to that person's having become or having been an officer or a practitioner by virtue of and within the meaning of those regulations.

(3) For the purposes of exercising any rights which are dependent on, and limited in time by reference to, a person's having become an officer, a person shall not be deemed to have become an officer on the date of coming into operation of these regulations if, immediately before that date, he was an officer within the meaning of the 1962 regulations and, without any break in employment, is an officer within the meaning of these regulations.

(4) For the purposes of these regulations a person shall not be treated as having become an officer in consequence of the acquisition of premises by the Authority under section 67 of the Act unless, immediately before and at the date of acquisition, he was employed at the premises, or for the purposes of administering the services provided at the premises, and entered the employment of an employing authority as an officer in consequence of that acquisition.

(**a**) S.I. 1972/1073 (N.I. 10).
(**b**) Formerly the Department of Finance: *See* S.I. 1982/338 (N.I. 6) Art. 3

(5) Where a person holds under an employing authority 2 or more separate employments of such a nature that he can cease to hold one without ceasing to hold the other, the provisions of these regulations shall apply to him in relation to each of the separate employments as if the other were an employment held by him under another employing authority.

(6) In these regulations, references to an officer's contributions (except references in regulations 6, 26, 28, 29, 30, 40, 44, 51 and 63) shall be construed as including references to—

(*a*) any sums contributed by him under regulation 6 or the corresponding provision of the previous regulations;

(*b*) any sums paid by him by way of additional contributory payments;

(*c*) any sum paid by him under regulation 22, 23, 24, 30, 41, 42 or the corresponding provision of the previous regulations;

(*d*) any sums contributed under any superannuation scheme during employment which is reckonable as service under the provisions of regulation 18;

(*e*) any sums paid by him under a scheme made under section 28(3) of the Widows', Orphans' and Old Age Contributory Pensions Act 1936(**a**) (which conferred a power to modify existing superannuation schemes) or the corresponding provisions of any Act repealed by that Act; and

(*f*) any contributions which, by virtue of rule 20 of the Superannuation (Civil Service and Local Government) Interchange Rules 1968(**b**), or rule 10 of the Superannuation (English Local Government and Northern Ireland Civil Service) Interchange Rules 1957(**c**), or rule 10 of the Superannuation (Local Government and Northern Ireland Civil Service) Interchange (Scotland) Rules 1957(**d**), he would have been deemed to have made to the superannuation fund to which he was a contributor had he ceased to hold the employment in which he was such contributor in the circumstances mentioned in any of those rules.

(7) Where the remuneration of an officer in respect of 2 or more concurrent periods of part-time employment exceeds an amount which the Department determines would have been paid in respect of a single comparable whole-time employment, no account shall be taken for the purposes of these regulations of any remuneration in excess of such an amount.

(8) Where a person was at any time prior to 1st April 1959 in employment under the Northern Ireland Tuberculosis Authority such employment shall for the purposes of these regulations be deemed to have been employment under the Authority.

(9) In the construction of regulation 21 a person transferred under the Act shall be deemed to include a person in the employment of the Northern Ireland Tuberculosis Authority immediately before the appointed day and there shall be reckonable by any such person as a period of employment or service, as the case may be, for the purposes of those provisions—

(*a*) any period in the employment of the Northern Ireland Tuberculosis Authority immediately prior to the appointed day, and

(*b*) in the case of any such person who became an employee of the Northern Ireland Tuberculosis Authority by virtue of section 10(1) of the Public Health

---

(**a**) 1936 c. 33 (26 Geo. 5 & 1 Edw. 8)
(**b**) S.I. 1968/72 (1968 I, p. 182)
(**c**) S.I. 1957/1155 (1957 II, p. 1774)
(**d**) S.I. 1957/1122 (s. 61) (1957 II, p. 1795)