1983 No. 178

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland) 1983

Made . . . . . *7th July 1983*

Coming into operation . . . *12th August 1983*

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

1. These regulations may be cited as the Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland) 1983 and shall come into operation on 12th August 1983.

Interpretation

2. In these regulations "the principal regulations" means the Health Services (Superannuation) Regulations (Northern Ireland) 1962(**c**).

Amendment to regulation 2 of the principal regulations (Interpretation)

3. In regulation 2 of the principal regulations—

(*a*) in the definition of "added years" for the word "years" where it occurs there shall be substituted the word "periods";

(*b*) after the definition of "average remuneration" there shall be inserted the following definition—

""Community institution" means any institution of the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community or common to those Communities;".

Officer's pension and retiring allowance

4. In regulation 7 of the principal regulations in paragraph (1)(*a*)(iii) for the words "the Commission of the European Community" there shall be substituted the words "a Community institution".

Scales of pension and retiring allowance

5. In regulation 8 of the principal regulations in paragraph (7) for the words "proviso (ii)" there shall be substituted the words "proviso (iii)".

(**a**) S.I. 1972/1073 (N.I. 10)

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

(**c**) S.R. & O. (N.I.) 1962 No. 237 as amended by S.R. & O. (N.I.) 1967 No. 55; 1971 No. 352; 1972 No. 343; 1973 Nos. 101, 201 and 360; S.R. 1974 Nos. 93, 248 and 327; 1976 No. 46; 1978 No. 301 and 1983 No. 152

Death gratuity

6. In regulation 12 of the principal regulations in paragraph (3) for the words "regulation 22C(3)" there shall be substituted the words "regulation 22C(11)".

Widow's pension

7. In regulation 13 of the principal regulations—

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

"(1A) Where a widow is entitled to receive a widow's pension of the amount specified in proviso (v) to paragraph (3) and her marriage with such a person as is mentioned in paragraph (1) took place after her late husband had become entitled to receive payment of a pension under these or the previous regulations the widow shall also be entitled to a widow's pension under paragraph (4) at the rate specified in paragraph 4(*a*).";

(*b*) at the beginning of paragraph (4) for the words "For the first 3 months" until the words "at the date of his death" where it first occurs shall be substituted the words "The widow's pension payable for the first three months following the date of death of her late husband or, if the date of her late husband's death occurs on or after 11th January 1983 and she has one or more than one child dependent on her at that date, for the first six months following that date, shall be, if, at the date of his death—";

(*c*) after paragraph (7) there shall be inserted the following paragraph—

"(8) For the purposes of this regulation "child" has the meaning given by regulation 13A(4)(*a*).".

Child's allowance

8.—(1) In regulation 13A(2) of the principal regulations—

(*a*) in sub-paragraph (*a*) the words "being in either case a person who had completed not less than 5 years' service," shall be omitted;

(*b*) in sub-paragraph (*b*)(i) for the figure "16" in both places where it occurs there shall be substituted the figure "17";

(*c*) in sub-paragraph (*b*)(ii) for the semi-colon there shall be substituted a full stop;

(*d*) the proviso shall be omitted.

(2) In the Seventh Schedule to the principal regulations—

(*a*) in paragraph 1—

(i) the words "then, subject to the provisions of regulation 13C(4)," shall be omitted, after the words "the parent" there shall be inserted the words "or, if the death of the parent occurs on or after 11th January 1983 and the parent has one or more than one child dependent on him at that date, for the first 6 months following that date," and for the words "that period" and "the period" there shall be substituted the words "the period of 3 months or 6 months, as the case may be";

(ii) in the proviso, after the words "under this paragraph" there shall be inserted the words "in respect of an eligible child, dependent on the widow or widower," and after the words "regulation 13(4)" there shall be inserted the words "or regulation 13B(2)";

(*b*) in paragraph 2—

(i) the words "and of regulation 13C(4)" shall be omitted and for the words "paragraph 1" there shall be substituted the words "paragraphs 1 and 1A and under regulation 13(2)";

(ii) at the end of sub-paragraph (i) the word "and" shall be omitted;

(iii) at the end of sub-paragraph (ii) for the full stop there shall be substituted ", and";

(iv) after sub-paragraph (ii) there shall be inserted the following sub-paragraph—

"(iii) the pension of a person will be deemed to have been calculated on not less than 10 years' service provided that the enhanced reckonable service does not exceed what would have been the reckonable service if the officer had continued to be employed until the age of 65 years.";

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

"1A. Where an officer or person entitled to a pension under these or the previous regulations dies, leaving an eligible child not dependent on the widow or widower who is entitled to a widow's or widower's pension at the rate specified in regulation 13(4) or regulation 13B(2), there shall be payable in respect of that child for the first 3 months following the death of the parent, or if the child was born within that period, the remainder of that period, a child's allowance at the rate specified in paragraph 1.".

Pensions of limited duration

9. In regulation 13B of the principal regulations—

(*a*) in paragraph (2) for the words "regulations 13C and 13D" there shall be substituted the words "regulation 13D";

(*b*) in paragraph (3)(*a*)(i) for the figure "16" in both places where it occurs there shall be substituted the figure "17";

(*c*) in paragraph (4)—

(i) at the end of sub-paragraph (*a*) there shall be inserted the word "or";

(ii) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) 6 months if the date of death of the officer occurs on or after 11th January 1983 and there is one or more than one dependent child dependent on the officer's widow on that date.";

(iii) sub-paragraph (*c*) and the word "or" immediately preceding that sub-paragraph shall be omitted.

Power to compound small benefits

10. In regulation 14 of the principal regulations in paragraph (1) for the words "less than £39" there shall be substituted the words "less than £78".

Guaranteed minimum pension under the Pensions Order

11. In regulation 14A(3) of the principal regulations for sub-paragraph (*c*) there shall be substituted the following sub-paragraph—

"(*c*) where the Department has discharged its liability by payment under—

(i) regulation 14; or

(ii) regulation 70 except that, notwithstanding the transfer payment, a guaranteed minimum pension may become payable following a transfer to a superannuation scheme established for the staff of a Community institution and approved by the Occupational Pensions Board established by section 66 of the Social Security Act 1973(**a**) and the Board of Inland Revenue for the purpose of this regulation.".

(**a**) 1973 c. 38

Reckoning as service of previous periods of employment

12. In regulation 16 of the principal regulations in paragraph (1)(*b*) after the words "regulation 30(3)),'' there shall be inserted the words "except that, notwithstanding this paragraph, service which on leaving previous employment as an officer was reckonable under regulation 30(5) (*a*) or (*b*), together with any associated service to which regulation 28(1)(*a*) applies, will remain reckonable in relation to his employment as an officer,''.

Intervals in service due to illness or injury

13. In regulation 17 of the principal regulations in paragraph (1)—

(*a*) after the words "purposes of regulations'' there shall be inserted the words "4(1) proviso (ii)'';

(*b*) the reference to regulation 13C shall be omitted.

Purchase of added years of contributing service

14.—(1) For regulation 22A of the principal regulations there shall be substituted the following regulation—

"*Purchase of added years of contributing service*

22A.—(1) Subject to the following provisions of this regulation an officer may, on giving written notice to his employing authority, elect—

(*a*) within 12 months of

(i) first becoming an officer, or

(ii) becoming an officer without being able to reckon as service a previous period of employment as an officer,

to make a payment in accordance with the provisions of paragraph 1 of the Ninth Schedule; or

(*b*) where at least two years will elapse between the date of his next birthday following the material date and his date of intended retirement, to make payments in accordance with paragraph 2 of the Ninth Schedule;

and if he so elects and makes payments in accordance with the provisions of the Ninth Schedule which apply to him there shall be added to his contributing service a further period of service determined in accordance with this regulation and that Schedule.

(2) Notwithstanding the provisions of paragraph (1) an officer may, if his last birthday or his birthday prior to his last birthday occurred during the period beginning with 1st May 1982 and ending with 31st October 1983, elect on giving written notice to his employing authority on or before 31st October 1983 to make payments under paragraph (1)(*b*) as if the notice had been received by his employing authority either on the day before his last birthday or the day before his birthday prior to his last birthday.

(3) Where an officer to whom paragraph (2) relates has given notice in accordance with that paragraph he shall on or before the expiration of three months beginning with the date of receipt of such notice by his employing authority make a single payment equal to the total amount of the payments which would have been payable by him if his election had been made on the day before his last birthday or the day before his birthday prior to his last birthday as the case may be and if he does not make such a payment before the expiration of that period his election shall cease to have effect.

(4) An officer may not elect to make payments under this regulation—

(*a*) during a period of absence from duty without leave or a period of leave of

absence from duty on account of sickness or a period of leave of absence from duty without remuneration or with reduced remuneration, or

(*b*) if he has become entitled to receive payment of benefits under regulation 7(1)(*a*)(ii), (iii) or (iv).

(5) If an officer who has elected under paragraph (1)(*a*) to make a single payment ceases to be an officer during the period mentioned in paragraph 7(3)(*a*)(ii) or 7(3)(*b*)(ii) of the Ninth Schedule (otherwise than by virtue of regulation 17(1)) his election under paragraph (1)(*a*) shall be cancelled.

(6) An officer who elects to make payments under paragraph (1)(*b*) shall at the time of giving notice of his election provide a statement in writing signed by him that he knows of no reason why his health should prevent him from completing the payments required. If within 12 months of commencing payments under paragraph (1)(*b*) such an officer dies or makes application for the payment of an annual pension under regulation 7(1)(*a*)(i) which subsequently becomes payable, on the happening of such an event the election made by the officer shall cease to have effect and any payments made by him pursuant to such election shall be refunded:

Provided that where the Department is charged to income tax on any amount refunded under this paragraph, the sum payable by it under this paragraph shall be reduced by an amount equal to that tax.

(7) An officer who makes an election under paragraph (1)(*a*)(ii) or (1)(*b*) in circumstances in which a previous period of employment which was reckonable as service under these or the previous regulations, or under a health service scheme, in respect of which no transfer payment or any benefit except a return of contributions has been paid, is no longer reckonable may request that his election apply to the whole or any part of such service, not being service in contracted-out employment, and the sum payable by him in respect of such service shall be one-half of the appropriate amount calculated in accordance with the Ninth Schedule.

(8) Where an officer has completed payments in accordance with the provisions of the Ninth Schedule which apply to him by virtue of paragraph (1)(*a*) or (*b*), the additional service so purchased shall be added to his contributing service:

Provided that in the case of an officer in part-time employment the service added to his contributing service shall be the proportion that the number of hours, half-days or sessions which he was required to work under his contract of employment bears to the number of hours, half-days or sessions which would have constituted whole-time service for the employment in question, during the period specified in—

(i) paragraph 7(3)(*a*) of the Ninth Schedule where the election was made under paragraph (1)(*a*); or

(ii) paragraph 2 of the Ninth Schedule where the election was made under paragraph (1)(*b*).

(9) In the case of a practitioner who has made payment in accordance with the provisions of the Ninth Schedule which apply to him by virtue of paragraph (1)(*a*) in respect of each year added to his contributing service by virtue of paragraph (8) there shall be added to his remuneration for the financial year in which the material date falls, the remuneration in respect of which a payment under paragraph (1)(*a*) was calculated, and a proportionate part of such remuneration shall be added in respect of any part of a year.

(10) In the case of a practitioner who has made payments in accordance with the provisions of the Ninth Schedule which apply to him by virtue of paragraph (1)(*b*), in respect of each year added to his contributing service by virtue of