1983 No. 152

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1983

Made	*16th June 1983*
Coming into operation . . .	*29th July 1983*

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(**b**), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation on 29th July 1983.

Interpretation

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

Amendment of regulation 2 of the principal regulations

3. In regulation 2 of the principal regulations (interpretation)—

(*a*) in the definition of "remuneration" after the words "payments for overtime" there shall be inserted the words ", payments made in respect of a temporary additional session,";

(*b*) in the definition of "service", after paragraph (*b*), there shall be inserted the word "or" and the following paragraph—

"(*c*) any period of employment in respect of a temporary additional session;";

(*c*) after the definition of "statutory scheme" there shall be inserted the following definition—

""temporary additional session" means a session equivalent to an extra notional half-day which a specialist or an officer appointed to a post in the grade of associate specialist has, in exceptional circumstances, undertaken to work which does not form part of his normal contractual duties;".

Amendment of regulation 7 of the principal regulations

4. Regulation 7 of the principal regulations (officer's pension and retiring allowance) shall be amended as follows—

(*a*) in paragraph (1) at the end of sub-paragraph (*a*)(vi) for the word "and" there shall be substituted the word "or" and after that sub-paragraph there shall be inserted the following sub-paragraph—

(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 and 1978 No. 301

"(vii) he has attained the age of 50 years and completed 5 years' service and the conditions prescribed in paragraph (7) are applicable in his case; and";

(*b*) in paragraph (6)(*a*) for the words "paragraph (1)(*a*)(v)" there shall be substituted the words "paragraph (1)(*a*)(vii)";

(*c*) after paragraph (6) there shall be inserted the following paragraph—

"(7) For the purposes of paragraph (1)(*a*)(vii) the prescribed conditions are that the Department has certified that the officer's retirement is by reason of redundancy or is in the interests of the efficiency of the service in which he is employed.".

Amendment of regulation 12 of the principal regulations

5. In regulation 12 of the principal regulations (death gratuity), in paragraph (1)(*c*), after the word "regulation" there shall be inserted "7(1)(*a*)(iii) or".

Amendment of regulation 17 of the principal regulations

6. In regulation 17(2) of the principal regulations (intervals in service due to illness or injury)—

(*a*) at the end of proviso (i) the word "and" shall be deleted;

(*b*) at the end of proviso (ii) for the full-stop there shall be substituted "; and".

Amendment of regulation 30 of the principal regulations

7. In regulation 30 of the principal regulations (return of contributions) in paragraph (4) after the words "on ceasing to be an officer" there shall be inserted "before 6th April 1980,".

Amendment of regulation 32 of the principal regulations

8. In regulation 32 of the principal regulations (reduction of pension in certain cases) for the proviso to paragraph (4)(*e*) there shall be substituted the following provisos—

"Provided that—

(1) such pre-retirement earnings shall be increased by the annual rate of remuneration of any continuing employment;

(2) for the purpose of sub-paragraph (*e*)(ii), proviso (*j*) of regulation 29(1) shall not be applicable in the calculation of the average remuneration.".

Amendment of regulation 36 of the principal regulations

9. In regulation 36(4) of the principal regulations (benefits of officers who have exercised option to retain rights corresponding with those previously enjoyed)—

(*a*) for sub-paragraph (*d*) there shall be substituted the following sub-paragraphs—

"(*d*) where any benefit payable to or in respect of an officer to whom this regulation applies is calculated by reference to the annual average of his remuneration over a final period of his service, regulation 28(2) shall, except where the enactment or scheme applicable in his case contains a corresponding provision, apply in respect of any part of a year of his service;

(*dd*) where such a benefit as is referred to in sub-paragraph (*d*) becomes payable on or after 29th July 1983 the annual average of the officer's remuneration over a final period of his service shall be uprated to equal his remuneration as ascertained under the provision of the enactment or scheme applicable in his case in respect of his final year of paid employment which reckons for the calculation of benefit in accordance with sub-paragraph (*d*);