1982 No. 14

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Services (Superannuation) (War Service, etc.) (Amendment) Regulations (Northern Ireland) 1982

Made . . . . . *18th January 1982*

Coming into operation . . . *15th March 1982*

The Department(**a**) of Health and Social Services, in exercise of the powers conferred by Articles 12 and 14 of the Superannuation (Northern Ireland) Order 1972(**b**) and 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 the Civil Service for Northern Ireland(**c**), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Health Services (Superannuation) (War Service, etc.) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 15th March 1982.

Interpretation

2. In these regulations "the War Service Regulations" means the Health Services (Superannuation) (War Service, etc.) Regulations (Northern Ireland) 1978(**d**).

Amendment of regulation 2(1) of the War Service Regulations

3. In regulation 2(1) of the War Service Regulations (interpretation)—

(*a*) after the definition of "non-effective pay" there shall be inserted the following definition—

" "participating scheme" means a superannuation scheme—

(i) which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department;

(ii) which includes provisions for the war service of the participants of the scheme in respect of a period before becoming entitled to participate in the scheme to reckon as service in respect of which benefits are payable in the scheme; and

(iii) which provides for the making and receipt of transfer payments in respect of that war service;" ;

(*b*) after the definition of "public health services employment" there shall be inserted the following definitions—

" "public service" means employment in which the employee is entitled to participate in a participating scheme;

(**a**) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(**b**) S.I. 1972/1073 (N.I. 10)
(**c**) Formerly Department of Finance: *see* S.R. 1976 No. 281
(**d**) S.R. 1978 No. 324

"transferee" means a person who, having been an officer, was on 1st April 1978 entitled to participate in a participating scheme;".

Amendment of regulation 4(a) of the War Service Regulations

4. In regulation 4(*a*) of the War Service Regulations—

(*a*) the word "either" shall be deleted; and

(*b*) after sub-paragraph (ii) there shall be inserted the following new sub-paragraph—

"(iii) he would satisfy the requirements of sub-paragraph (ii) if on his first entry into public health services employment after war service he had become subject to a pension scheme providing benefits under a policy of insurance, and a transfer payment was made in respect of the period of that employment;".

Amendment of regulation 9 of the War Service Regulations

5. In regulation 9 of the War Service Regulations (adjustment of payments for added years in certain cases), for the words "adjust the amount" to the end of that regulation, there shall be substituted the words "accordingly, adjust the amount payable by or as the case may be, refund in whole or in part, the amount paid by the officer.".

Amendment of regulation 12(3) *of the War Service Regulations*

6. In regulation 12(3) of the War Service Regulations (provisions relating to the adjustment of certain benefits) after the words "death gratuity" there shall be inserted "paid or".

Insertion of new regulations 12A *and* 12B *after regulation* 12 *of the War Service Regulations*

7. After regulation 12 of the War Service Regulations there shall be inserted the following regulations—

"*Provisions relating to the reckoning of transferred war service*

12A.—(1) Subject to regulations 5, 6, 9 and 10 and paragraphs (2) to (4), (6) and (7), a period of additional contributing service shall be reckonable in respect of an officer's war service if—

(*a*) he was an officer on 1st April 1978; and

(*b*) a transfer payment in respect of his war service is paid to the Department by the body responsible for the administration of a participating scheme.

(2) For the purposes of this regulation the reference in regulation 10(2) to the date of coming into operation of these regulations shall be construed as a reference to 15th March 1982.

(3) (*a*) On receipt of the transfer payment referred to in paragraph (1)(*b*) there shall be credited to the officer a period of additional contributing service of the same length as the period of additional contributing service in respect of which, having regard to the officer's age and remuneration on 1st April 1978 the Department would make a transfer payment equivalent to the amount of the transfer payment received, calculated in accordance with the Schedule to these regulations, if he were making such a transfer payment under regulation 12B in respect of that officer.

(*b*) For the purposes of this paragraph—

(i) any sum representing the compound interest that may be paid on a transfer payment shall be disregarded;

(ii) the remuneration of an officer, other than a practitioner, means the annual remuneration of his employment in respect of which contributions were payable by him on 1st April 1978;

(iii) in the case of a practitioner, the annual rate of remuneration shall be the average annual rate of his pensionable pay in respect of the period of three months immediately before 1st April 1978;

(iv) where the remuneration by reference to which the transfer payment referred to in paragraph (1)(*b*) is to be calculated relates to a single part-time employment, or to concurrent part-time employments, that transfer payment shall be calculated by reference to the remuneration which would have been paid in respect of a single comparable whole-time employment.

(4) The period of additional contributing service that is reckonable in respect of an officer specified in paragraph (1) shall—

(*a*) be regarded as service before 25th March 1972 and as service otherwise than as a practitioner; and

(*b*) for the purposes of regulations 58 and 59 of the principal regulations be aggregated with any other service otherwise than as a practitioner.

(5) (*a*) Where such an officer as is specified in paragraph (1) has become entitled to a pension under the principal regulations, the provisions of regulation 12(1) of these regulations shall apply to the adjustment of that pension, except that the reference to 17th July 1975 in that regulation shall be construed as a reference to 1st April 1978.

(*b*) Where an officer dies and the provisions of paragraph (1)(*b*) apply, the amount of any widow's pension and child's allowance payable and any death gratuity paid or payable in respect of his service under the principal regulations shall be adjusted as from 1st April 1978 to take into account the additional contributing service.

(6) Where reciprocal arrangements between the Department and the participating scheme exist to waive payments due, the Department may waive the payment of any transfer payment that is otherwise payable by a participating scheme under this regulation; and if it does so, such a payment shall be deemed to have been made for the purposes of this regulation.

(7) (*a*) Where paragraph (6) applies there shall be credited to the officer a period of additional contributing service equal to the period of war service in respect of which a transfer payment would have otherwise been made, and where an officer was a participant of the police or firemen's pension schemes the period of additional contributing service shall be increased by one-third of its length.

(*b*) In this paragraph the police or firemen's pension scheme means the pension arrangements maintained in pursuance of regulations made or having effect as if made under the Police Pensions Act 1976(**a**) or section 25 of the Police Act (Northern Ireland) 1970(**b**), or the Firemen's Pension Scheme in force under section 26 of the Fire Services Act 1947(**c**) or section 17 of the Fire Services Act (Northern Ireland) 1969(**d**).

(**a**) 1976 c. 35
(**b**) 1970 c. 9 (N.I.)
(**c**) 1947 c. 41
(**d**) 1969 c. 13 (N.I.)

(8) Any pension to which an officer may become entitled in respect of a period of additional contributing service shall not be reduced under the provisions of regulation 44 of the principal regulations.

Transfer of additional contributing service in respect of war service to a participating scheme

12B.—(1) Subject to the provisions of this regulation, where a transferee ceased to be an officer before 17th July 1975, the Department shall make a transfer payment calculated in accordance with the provisions of the Schedule to these regulations in respect of his war service to the body responsible for the administration of the participating scheme in which he was entitled to participate on 1st April 1978 if—

(*a*) the transferee applies in writing to the Department, giving particulars of his date of birth, sex, the period of his war service and other particulars that are necessary to enable the Department to make a transfer payment in accordance with the Schedule to these regulations;

(*b*) the application is addressed in the first instance to the said body responsible for the administration of the participating scheme;

(*c*) the period of war service would have been reckonable as additional contributing service had the transferee not ceased to be an officer before 17th July 1975; and

(*d*) his employment in public health services employment is the first period of public service which reckons as service in respect of which benefits are payable in the said participating scheme.

(2) Where after 16th July 1975 a widow's pension or child's allowance becomes payable under the provisions of a participating scheme in respect of the service of a transferee who, had he not died could have applied for a transfer payment under this regulation, the person entitled to such a pension or child's allowance may apply in accordance with paragraphs (1)(*a*) and (1)(*b*), in lieu of his application.

(3) The period of additional contributing service in respect of which the Department shall make a transfer payment under this regulation shall be calculated in accordance with the formula

$$\frac{Z - (6\% \times Z)}{2}$$

where Z is the period of war service.

(4) Where such a body as is referred to in paragraph (1) waives payment of the transfer payment which would otherwise have been made in accordance with this regulation, such a transfer payment shall be deemed to have been made for the purposes of this regulation; and the Department shall notify that body of the period of additional contributing service calculated in accordance with paragraph (3).''.

Insertion of Schedule to War Service Regulations

8. At the end of the War Service Regulations there shall be inserted the following Schedule—