1979 No. 399

HEALTH AND PERSONAL SOCIAL SERVICES SUPERANNUATION

The Pensions Increase (Approved Schemes) (Health and Personal Social Services) Regulations (Northern Ireland) 1979

Made . . . . . *15th November* 1979

Coming into operation . . . *31st December* 1979

The Department(**a**) of Health and Social Services, in exercise of powers conferred on it by section 10 of the Pensions (Increase) Act (Northern Ireland) 1971(**b**), and of all other powers enabling it in that behalf, and with the approval 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 Pensions Increase (Approved Schemes) (Health and Personal Social Services) Regulations (Northern Ireland) 1979 and shall come into operation on 31st December 1979.

Interpretation

2. In these regulations—

"the Act of 1971" means the Pensions (Increase) Act (Northern Ireland) 1971;

"dependant", in relation to a woman, means a person who is to the satisfaction of the Department wholly or mainly supported by that woman and who either has not attained the age of 17 years or is receiving full-time instruction at an educational establishment or is undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years;

"employing authority" means an authority which is, or is deemed to be, an employing authority for the purposes of the Regulations;

"official pension" has the meaning assigned to it by section 5(1) of the Act of 1971;

"the Order" means the Superannuation (Northern Ireland) Order 1972(**d**);

"policy scheme optant transferred under the Order" means a person to whom the provisions of regulation 39 of the Local Government (Superannuation) Regulations (Northern Ireland) 1962(**e**) or the

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1971 c. 35 (N.I.)
(c) A function formerly exercisable by the Department(a) of Finance and transferred to the Department of the Civil Service for Northern Ireland by virtue of S.R. 1976 No. 281 (II, p. 1339)
(d) S.I. 1972/1073 (N.I. 10)
(e) S.R. & O. (N.I.) 1962 No. 210 (p. 793) as amended by S.R. & O. (N.I.) 1966 No. 274 (p. 871), S.R. & O. (N.I.) 1968 No. 153 (p. 588), S.R. & O. (N.I.) 1971 No. 108 (p. 539), S.R. & O. (N.I.) 1973 No. 216 (I, p. 1108), S.R. & O. (N.I.) 1973 No. 242 (I, p. 1207), S.R. 1974 No. 72 (I, p. 211), S.R. 1975 No. 187 (II, p. 984), S.R. 1975 No. 347 (II, p. 1695), S.R. 1977 No. 205 (II, p. 1159), S.R. 1978 No. 386, S.R. 1979 No. 23

corresponding provisions of any previous regulations apply or applied who was transferred under article 77 of the Health and Personal Social Services (Northern Ireland) Order 1972(**f**);

"reckonable service", in relation to a person, has the meaning assigned to it by the schedule;

"regulation 65(1) optant" means a person to whom the provisions of regulation 65(1) of the 1962 regulations or the corresponding provisions of any previous regulations apply or applied, but does not include a person to whom payments under the aforesaid provisions were discontinued prior to 1st October 1971 by reason of his voluntarily ceasing to maintain a contract or policy of insurance described in the said provisions before the maturity date of the policy;

"superannuation scheme" means the Federated Superannuation System for Universities, the Federated Superannuation Scheme for Nurses and Hospital Officers, the arrarrangements which apply or applied to a regulation 65(1) optant and any other scheme approved by the Department of the Civil Service for Northern Ireland for the purposes of section 10(1)(*b*) of the Act of 1971;

"superannuable under the Regulations", in relation to a person, means entitled to participate in the superannuation benefits provided by the Regulations (other than regulations 36, 38 and 65 of the 1962 regulations or the corresponding provisions of any previous regulations);

"the compensation regulations" means the Health and Personal Social Services (Compensation) Regulations (Northern Ireland) 1973(**g**);

"the previous regulations" means any regulations made prior to 31st December 1962 under section 61(1) of the Health Services Act (Northern Ireland) 1948(**h**);

"the Regulations", in relation to any person, means the 1962 regulations or such previous regulations as were in force at the date on which that person satisfied the requirements which would qualify a person for a pension under the Regulations;

"the 1962 regulations" means the Health Services (Superannuation) Regulations (Northern Ireland) 1962(**i**); and

"the Department" means the Department of Health and Social Services.

Application of these regulations

3. These regulations shall apply for the payment to persons described in regulation 4 of the amounts described in regulation 6.

Persons to whom these regulations apply

4. These regulations shall apply to any person—

(1) who has attained age 70 or ceased to be employed by an employing authority; and

(*a*) immediately before attaining that age or ceasing to be so employed—

(i) was in that employment subject to a superannuation scheme; and

(f) S.I. 1972/1265 (N.I. 14)
(g) S.R. & O. (N.I.) 1973 No. 361 (II, p. 2016)
(h) 1948 c. 3
(i) S.R. & O. (N.I.) 1962 No. 237 (p. 961) as amended by S.R. & O. (N.I.) 1967 No. 55 (p. 108), S.R. & O. (N.I.) 1971 No. 352 (p. 1601), S.R. & O. (N.I.) 1972 No. 343 (p. 1694), S.R. & O. (N.I.) 1973 No. 101 (I, p. 424), S.R. & O. (N.I.) 1973 No. 201 (I, p. 1032), S.R. & O. (N.I.) 1973 No. 360 (II, p. 2014), S.R. 1974 No. 93 (I, p. 302), S.R. 1974 No. 248 (II, p. 1179), S.R. 1974 No. 327 (II, p. 1493), S.R. 1976 No. 46 (I, p. 245) and S.R. 1978 No. 301

(ii) had completed the minimum period of reckonable service and had satisfied any other requirements which would qualify a person for a pension under the Regulations either—

(A) immediately upon ceasing such employment; or

(B) subsequently upon reaching such age as is specified in the Regulations; and

(*b*) unless he is or was a regulation 65(1) optant has received or has become entitled to receive payment of any retirement benefit under a superannuation scheme; and

(*c*) either—

(i) has attained the age of 55 years and, in the case of a person to whom paragraph (1)(*a*)(ii)(B) applies, has attained the specified age; or

(ii) has retired on account of physical or mental infirmity, or has satisfied the Department that he is disabled by physical or mental infirmity; or

(iii) is a woman who has at least one dependant; or

(2) to whom a notional pension was ascribed under the Pensions Increase (Approved Schemes) (Local Government) Regulations (Northern Ireland) 1969(j) and his entitlement under those regulations was transferred to the Department as a liability by virtue of article 75 of the Health and Personal Social Services (Northern Ireland) Order 1972.

(3) Notwithstanding the provisions of paragraph (1), in the case of a person to whom paragraph (1)(*a*)(ii)(B) applies who, within 12 months of ceasing to be employed by an employing authority, or as a regulation 65(1) optant, enters into any of the employments specified in paragraph 2 of the schedule in respect of which the requirements of paragraph 3(*a*) of that schedule have been fulfilled, these regulations insofar as they apply to a person who has not attained age 70 shall apply only in respect of any further termination of employment under an employing authority and not in respect of any previous termination.

Notional pension and lump sum

5.—(1) There shall be ascribed to each person to whom these regulations apply a notional pension calculated on the same basis as a pension would have been calculated if he had been superannuable under the Regulations in respect of his reckonable service.

(2) Where a person is receiving an official pension, the notional pension shall be reduced by an amount determined by the Department as representing that part of the official pension which is referable to his reckonable service.

(3) Where the amount of a notional pension ascribed to any person does not exceed £26 a year, these regulations shall not apply to him unless he is receiving an official pension payable by the Department.

(4) In calculating a notional pension in respect of a person to whom a notional pension was ascribed under the Pensions Increase (Approved Schemes) (Health Services) Regulations (Northern Ireland) 1969(k) any fraction of a pound shall be treated as a whole pound.

(j) S.R. & O. (N.I.) 1969 No. 162 (p. 572)
(k) S.R. & O. (N.I.) 1969 No. 161 (p. 567)

(5) Notwithstanding the provisions of paragraph (1), the notional pension ascribed to a person under the Pensions Increase (Approved Schemes) (Health Services) Regulations (Northern Ireland) 1974(I) or the Pensions Increase (Approved Schemes) (Local Government) Regulations (Northern Ireland) 1969 prior to the coming into operation of these regulations shall be his notional pension for the purposes of these regulations.

(6) Where a person to whom these regulations apply leaves employment in circumstances in which, if the Regulations had applied, he would have been awarded a lump sum retiring allowance which he would not have become entitled to receive until he—

(*a*) attained such age as is specified in the Regulations; or

(*b*) became permanently incapacitated before attaining that age,

a notional lump sum retiring allowance equal to 3 times the annual amount of the notional pension shall be ascribed to him.

Payments of benefits equivalent to statutory pension increases

6. The Department shall, in respect of any period beginning on or after 1st March 1975 in relation to a regulation 65(1) optant, 1st December 1973 in respect of a policy scheme optant transferred under the Order or 1st December 1974 in relation to any other person, pay to a person to whom these regulations apply amounts equal to the benefits which would have been conferred on him by the Act of 1971 if—

(*a*) he had been eligible under the principal civil service pension scheme within the meaning of article 4 of the Order for a pension of the same amount as his notional pension as calculated under paragraphs (1) to (5) of regulation 5, or a lump sum of the same amount as his notional lump sum retiring allowance as calculated under paragraph (6) of regulation 5, or both such pension and lump sum, as the case may be, beginning on the day after the last day of his reckonable service excluding any period specified in paragraph 1(*c*) of the schedule; and

(*b*) any allowance which, but for the Act of 1971, would have been paid to him under the Pensions Increase (Approved Schemes) (Health Services) Regulations (Northern Ireland) 1969, were a relevant increase within the meaning of section 6(10) of that Act.

Date from which regulations take effect

7. These regulations shall have effect in respect of any person ceasing to be an officer on or after:

1st March 1975 in relation to a regulation 65(1) optant; or

1st December 1973 in relation to a policy scheme optant transferred under the Order; or

1st December 1974 in relation to any other person to whom the Regulations apply.

Revocation

8. The Pensions Increase (Approved Schemes) (Health Services) Regulations (Northern Ireland) 1974 are hereby revoked with effect from 1st December 1974.

(I) S.R. 1974 No. 94 (I, p. 309)