1974. No. 327

HEALTH SERVICES SUPERANNUATION

REGULATIONS, DATED 30TH DECEMBER 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES WITH THE CONSENT OF THE DEPARTMENT OF FINANCE UNDER ARTICLES 12 AND 14 OF THE SUPERANNUATION (NORTHERN IRELAND) ORDER 1972 AND UNDER SECTION 103 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

The Department of Health and Social Services, in exercise of powers conferred by section 103 of the National Insurance Act (Northern Ireland) 1966(a) (having been determined by the Department of Finance to be the appropriate department for the purposes of that section to make regulations modifying the scheme for the provisions of pensions and other benefits established by regulations made under section 67 of and Schedule 8 to the Health Services Act (Northern Ireland) 1971(b)) and in exercise of powers conferred by Articles 12 and 14 of the Superannuation (Northern Ireland) Order 1972(c) and of any other powers enabling it in that behalf, after consulting representatives of persons likely to be affected by these regulations, and with the consent of the Department of Finance hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Health Services (Superannuation) (Amendment) (No. 3) Regulations (Northern Ireland) 1974 and shall come into operation on 10th February 1975.

Interpretation

2. In these regulations "the principal regulations" means the Health Services (Superannuation) Regulations (Northern Ireland) 1962(d) and other words and expressions used have the same meanings as in the principal regulations.

Amendments relating to ophthalmic medical practitioners and practitioners paid by way of salary

3. In the principal regulations—

(*a*) in regulation 2(1) (interpretation)—

(i) after the definition of "officer" there shall be inserted:

" "ophthalmic medical practitioner" means a medical practitioner providing general ophthalmic services under the Order;";

(ii) for the definition of "practitioner" there shall be substituted:

" "practitioner" means a medical or dental practitioner on the list of a Health and Social Services Board or an assistant practitioner, but does not include any practitioner who is paid by way of salary;";

(*b*) in regulation 4(1) (application of the regulations) after sub-paragraph (*f*) there shall be inserted the following:

(a) 1966. c. 6 (N.I.).
(b) 1971. c. 1 (N.I.).
(c) S.I. 1972/1073 (N.I. 10).
(d) S.R. & O. (N.I.) 1962, No. 237.

"(*g*) any officer paid by a Health and Social Services Board by way of salary who would be a practitioner if he were not so paid:";

(*c*) in regulation 21 (reckoning of qualifying service) after paragraph (3) there shall be added the following:

"(4) There shall be reckonable as service in relation to an ophthalmic medical practitioner for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating any such benefit, service before 1st April 1974 on the ophthalmic list of a Health and Social Services Board or of the former Northern Ireland General Health Services Board.";

(*d*) in paragraphs (1), (2) and (4) of regulation 53 (amendment of certain references to age) for the words from "medical practitioner" to "assistant practitioner" there shall be substituted "practitioner";

(*e*) in regulation 54(2)(i) (meaning of remuneration) after "general dental services" there shall be inserted ", general ophthalmic services";

(*f*) in regulation 65 (continuation of contracts or policies of insurance in certain cases)—

(i) in paragraph (1) after "in regulation 54" there shall be inserted "except that no account shall be taken of payments in respect of general ophthalmic services";

(ii) for paragraph (2) there shall be substituted the following paragraphs:

"(2) The Department may, on application being made to it before 31st March 1975 by an ophthalmic medical practitioner who, on 31st March 1974, was on the list of a Health and Social Services Board and held a contract or policy of insurance with any of the Life Assurance Companies, agree that these regulations, with the exception of this regulation, shall not apply to that practitioner as an ophthalmic medical practitioner in which event the Department shall, subject to such terms and conditions as it may determine, pay to such practitioner as a contribution towards the maintenance of the aforesaid contract or policy an amount equal to 8 per cent of the practitioner's remuneration (as defined in regulation 54) in respect of general ophthalmic services.

(3) Paragraphs (1) and (2) shall, if the Department consents and subject to such additional terms and conditions as it may determine, also apply to any annuity contract approved under section 226 of the Income and Corporation Taxes Act 1970(**e**) entered into in substitution for the contract or policy mentioned in paragraphs (1) or (2) aforesaid, or in further substitution for such annuity contract which has been substituted by virtue of this paragraph or any corresponding provision of these regulations previously in force, as the case may be.".

Amendments relating to pension and retiring allowance

4.—(1) In regulation 8 of the principal regulations (scales of pension and retiring allowance)—

(*a*) for paragraphs (1) to (4) inclusive there shall be substituted the following:

(**e**) 1970. c. 10.

"(1) The pension to be paid to an officer whose service does not include service as a practitioner shall, subject to the provisions of these regulations, be a sum equal to one-eightieth of his average remuneration in respect of each year of his contributing service.

(2) The pension to be paid to an officer whose service includes service as a practitioner shall, subject to the provisions of these regulations,

(*a*) in respect of the service otherwise than as a practitioner, be on the scale set out in paragraph (1), and

(*b*) in respect of the service as a practitioner, be on the scale set out in regulation 56(2).

(3) The retiring allowance to be paid to an officer shall, subject to the provisions of these regulations, be a sum equal to three times the annual amount of his pension as calculated under this regulation and regulation 56:

Provided that—

(*a*) in the case of—

(i) a married man in respect of whose service a widow's pension may become payable under these regulations, or

(ii) an officer who became a widower or was divorced or judicially separated from his wife on or after 25th March 1972 and who satisfies the description contained in paragraph (7),

the amount of the allowance shall be a sum equal to the aggregate of the following amounts, namely, the annual amount of his pension as calculated under this regulation and regulation 56 in respect of his contributing service before 25th March 1972 and three times the annual amount of his pension as so calculated in respect of the remainder of his contributing service;

(*b*) in the case of an officer to whom proviso (*a*) does not apply and who became a widower or was divorced or judicially separated from his wife before 25th March 1972 and who satisfies the description contained in paragraph (7), the amount of the allowance shall be a sum equal to the aggregate of the following amounts, namely, the annual amount of his pension as calculated under this regulation and regulation 56 in respect of his contributing service up to and including the date of his wife's death or the divorce or judicial separation and an amount equal to three times the annual amount of his pension as so calculated in respect of the remainder of his contributing service.";

(*b*) in paragraph (7) for "proviso (*c*) to paragraph (2)", there shall be substituted "proviso (*a*)(ii) or (*b*) to paragraph (3)".

(2) For regulation 56 to the principal regulations (scales of pension and retiring allowance for a practitioner) there shall be substituted the following:

"*Scale of pension for a practitioner*

56.—(1) The pension to be paid to a practitioner shall, subject to the provisions of these regulations—

(*a*) in respect of his service as a practitioner, be on the scale set out in paragraph (2), and

(*b*) in respect of any service otherwise than as a practitioner, be on the scale set out in regulation 8(1).

(2) The pension to be paid in respect of service which is reckonable under these regulations as service as a practitioner shall be 1.4 per cent of the total uprated remuneration in respect of that service, and for the purposes of this paragraph—

(*a*) subject to regulations 58 and 61(4), a practitioner's total uprated remuneration shall be calculated by uprating his remuneration for all reckonable service as a practitioner in each financial year in such way as the Department, after consulting such professional organisations as appear to it to be appropriate, may determine and by adding together the uprated remuneration for each financial year, and

(*b*) remuneration paid during any financial year for service as a practitioner shall be regarded as being remuneration for such service in that year or, if there was no such service in that year, in the last preceding year in which there was any such service.".

(3) In regulation 37(3) of the principal regulations (benefits of officers not exercising certain options)—

(*a*) in sub-paragraph (*a*)(i) for "one-half per cent" there shall be substituted "one and one-half per cent";

(*b*) in sub-paragraph (*a*)(ii) for "one-quarter per cent" there shall be substituted "three-quarters per cent";

(*c*) for the provisos (*a*) and (*b*) there shall be substituted the following proviso:

"Provided that for the purposes of this regulation, the retiring allowance payable to an officer shall be deemed to be an amount equal to the annual amount of his pension under these regulations, any reduction under regulation 44 being disregarded.".

(4) In regulation 7(3) of the principal regulations (officer's pension and retiring allowance) the words "where it occurs for the second time in the proviso to paragraph (1) and" shall be deleted.

Amendments relating to death gratuity

5. For regulation 12 of the principal regulations (death gratuity) there shall be substituted the following:

"**12.**—(1) In the event of the death of—

(*a*) an officer;

(*b*) a person who had ceased to be an officer within 12 months before his death and had not received a return of contributions or become entitled to any other benefit, including a transfer value, under these regulations;

(*c*) a person who had become entitled to a pension under the provisions of regulation 7(1)(*a*)(iv) but had not become entitled to receive payment of that pension; or

(*d*) a person in receipt of a pension under these regulations,

his widow if they were not judicially separated at the time of his death, or otherwise his personal representatives, shall be entitled to receive from the Department a death gratuity calculated in accordance with paragraph (2):

Provided that in the case of a person mentioned in sub-paragraph (*a*) or (*b*) who last ceased to be an officer before 1st October 1972, this regulation shall apply only if he had completed five years' service.

(2) Subject to paragraph (3), the amount of the death gratuity shall be—

(*a*) in respect of the death of an officer as mentioned in paragraph (1)(*a*), a sum equal to whichever is the greatest of the following:

(i) his average remuneration, or

(ii) an amount equal to three times the annual amount of the pension which would have been payable to the officer had he become entitled to a pension under regulation 7(1)(*a*)(i) on the day of his death (any reduction under regulation 44 being disregarded), or

(iii) the amount of his contributions, together with compound interest thereon;

(*b*) in respect of the death of a person after ceasing to be an officer as mentioned in paragraph (1)(*b*) or (*c*), as the case may be, a sum equal to whichever is the greater of the following:

(i) an amount equal to three times the annual amount of a pension as calculated under regulations 8 and 56 on the contributing service reckonable by him on last ceasing to be an officer, or

(ii) the amount of his contributions, together with compound interest thereon,

except that if a widow's pension becomes payable under these regulations, the death gratuity shall be a sum equal to a retiring allowance calculated under the provisions of proviso (*a*) to regulation 8(3) on the contributing service reckonable by him on last ceasing to be an officer;

(*c*) in respect of the death of a person in receipt of a pension as mentioned in paragraph (1)(*d*), a sum equal to whichever is the greatest of the following:

(i) an amount equal to three times the annual amount of his pension under these regulations (any reduction under regulation 44 being disregarded) less a sum equal to the aggregate amount paid to him by way of pension and retiring allowance, or

(ii) the amount of his contributions, together with compound interest thereon, less a sum equal to the aggregate amount paid to him by way of pension and retiring allowance, or

(iii) whichever is the lesser of the following:

(*a*) his average remuneration, less a sum equal to the aggregate amount paid to him by way of pension and retiring allowance, or

(*b*) an amount equal to five times the annual amount of his pension under these regulations (any reduction under regulation 44 being disregarded) less a sum equal to the aggregate amount paid to him by way of pension:

Provided that where a person surrendered part of his pension, the amount of the death gratuity specified in sub-paragraph (*c*) shall be reduced by any sum which would have been paid to him but for the surrender.