1974. No. 94 **[C]**

HEALTH SERVICES SUPERANNUATION

Pensions Increase—Approved Schemes

REGULATIONS, DATED 30TH MAY 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES WITH THE APPROVAL OF THE DEPARTMENT OF FINANCE UNDER SECTION 10(1), (3) AND (4) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1971.

The Department of Health and Social Services, in exercise of the powers conferred on it by section 10(1), (3) and (4) of the Pensions (Increase) Act (Northern Ireland) 1971(a), and of all other powers enabling it in that behalf, and with the approval of the Department of Finance, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Pensions Increase (Approved Schemes) (Health Services) Regulations (Northern Ireland) 1974 and shall come into operation on 13th June 1974.

Interpretation

2. In these regulations—

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

"average remuneration", in relation to a person, means the annual average of his remuneration as it would have been calculated if he had been superannuable under the Regulations in respect of his reckonable service;

"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 16 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;

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

"superannuation scheme" means the Federated Superannuation Scheme for Nurses and Hospital Officers and any other scheme approved by the Department of Finance 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 and 38);

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

"the Regulations" means the Health Services (Superannuation) Regulations (Northern Ireland) 1962(b).

(a) 1971. c. 35 (N.I.) (b) S.R. & O. (N.I.) 1962, No. 237.

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.—(1) These regulations shall apply to any person who—

(*a*) has ceased to be employed by an employing authority; and

(*b*) immediately before ceasing to be so employed—

(i) was subject to a superannuation scheme; and

(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

(*c*) has received or has become entitled to receive payment of any retirement benefit under a superannuation scheme; and

(*d*) either—

(i) has attained the age of 60 years or the minimum age provided for by an order made under section 3(8) of the Act of 1971 and, in the case of a person to whom paragraph (1)(*b*)(ii)(B) applies, has attained the age referred to therein; 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.

(2) Notwithstanding the provisions of paragraph (1)(*a*) and (*b*) in the case of a person to whom paragraph (1)(*b*)(ii)(B) applies and who, within 12 months of ceasing to be employed by an employing authority, enters into any of the employments mentioned in paragraph 2 of the schedule in respect of which the requirements of paragraph 3(*a*) of that schedule have been fulfilled, these regulations 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 following basis—

(*a*) for each year of reckonable service, one-eightieth of his average remuneration; and

(*b*) for any additional fraction of a year of reckonable service which amounts to or exceeds 6 months, one one-hundred-and-sixtieth of his average remuneration.

(2) Where the amount of a notional pension ascribed to any person does not exceed £26 a year, these regulations shall not apply to him.

(3) 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(c) any fraction of a pound shall be treated as a whole pound.

(c) S.R. & O. (N.I.) 1969, No. 161.

(4) 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,

there shall be ascribed to him a notional lump sum retiring allowance calculated on the following basis—

(i) for each year of reckonable service, three-eightieths of his average remuneration; and

(ii) for any additional fraction of a year of reckonable service which exceeds 6 months, three one-hundred-and-sixtieths of his average remuneration.

Payments of benefits equivalent to statutory pension increases

6. The Department shall, in respect of any period beginning on or after 1st September 1971, 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 Superannuation (Northern Ireland) Order 1972(**d**) for a pension of the same amount as his notional pension as calculated under paragraphs (1) to (3) of regulation 5, or a lump sum of the same amount as his notional lump sum retiring allowance as calculated under paragraph (4) 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; 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.

(**d**) S.I. 1972, No. 1073 (N.I. 10).