1974. No. 93 **[C]**

HEALTH SERVICES SUPERANNUATION

REGULATIONS, DATED 30TH MAY 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.

The Department of Health and Social Services, on behalf of the Secretary of State and in exercise of the powers conferred on it by Articles 12 and 14 of the Superannuation (Northern Ireland) Order 1972(a) and of every other power 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) Regulations (Northern Ireland) 1974 and shall come into operation on 13th June 1974.

Interpretation

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

Amendments

3. For the heading to Part II of the principal regulations there shall be substituted the following heading—

"PROVISIONS RELATING TO OFFICERS EMPLOYED BY EMPLOYING AUTHORITIES AND OTHER OFFICERS ENGAGED IN HEALTH AND PERSONAL SOCIAL SERVICES".

4. For the heading to Part III of the principal regulations there shall be substituted the following heading—

"PROVISIONS RELATING TO MEDICAL AND DENTAL PRACTITIONERS".

5. In regulation 2(1) of the principal regulations (which defines expressions used therein)—

(*a*) after the definition of "the Act of 1971" there shall be inserted the following definition—

" "the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;"(c);

(*b*) in the definition of "the Belfast Corporation Superannuation Scheme" the word "former" shall be inserted after the word "the" where it appears for the second time in the first line of the definition;

(*c*) in the definition of "assistant practitioner" for the words "the Board" where they twice occur there shall be substituted the words "a Health and Social Services Board";

(a) S.I. 1972, No. 1073 (N.I. 10).
(b) S.R. & O. (N.I.) 1962, No. 237.
(c) S.I. 1972, No. 1265 (N.I. 14).

(*d*) for the definition of "employing authority" there shall be substituted—

" "employing authority" means a Health and Social Services Board, the Agency, the Staffs Council, the Northern Ireland Council for Nurses and Midwives and any such other body constituted under the Order as the Department may approve;";

(*e*) after the definition of "excepted officer" there shall be inserted—

" "Health and Social Services Board" means such a Board established under the Order;";

(*f*) for the definition of "local authority" there shall be substituted—

" "local authority" means a district council or a new town commission;";

(*g*) for the definition of "mental health officer" there shall be substituted—

" "mental health officer" means a whole-time officer on the medical or nursing staff of a hospital used wholly or partly for the treatment of persons suffering from mental disorder who devotes the whole or substantially the whole of his time to the treatment or care of such persons, and any medical specialist who devotes substantially the whole of his time to the treatment or care of such persons, and, if the Department in a particular case so consents, any other officer who, having been a mental health officer, without a break in his service and without having become entitled to any benefit under these regulations, subsequently becomes employed in a part-time capacity in any employment as aforesaid, and such other classes or descriptions of officers employed in such hospitals as aforesaid as the Department may designate;";

(*h*) in the definition of "practitioner" for the words "the Board" there shall be substituted "a Health and Social Services Board";

(*i*) after the definition of "short service gratuity" there shall be inserted—

" "specialist" means a Consultant, Senior Hospital Medical Officer or Senior Hospital Dental Officer;

"the Agency" means the Northern Ireland Central Services Agency for the Health and Social Services;

"the Authority" means the former Northern Ireland Hospitals Authority;

"the Staffs Council" means the Northern Ireland Staffs Council for the Health and Social Services;".

6. In regulation 4 of the principal regulations (application of the regulations) for paragraph (2) there shall be substituted the following—

"(2) Notwithstanding anything in paragraph (1), this part shall not apply to any officer of an employing authority to whom there became or becomes payable a pension under these or the previous regulations or an annual sum under regulations made under the Superannuation (Northern Ireland) Order 1973(**d**) if that pension or sum is not liable to be reduced or suspended in consequence of his employment under that authority:

Provided that this paragraph shall not apply to a transferred officer who immediately before transfer was in receipt of a pension payable under these or the previous regulations.".

(**d**) S.I. 1973, No. 962 (N.I. 13).

7. In regulation 7 of the principal regulations (officer's pension and retiring allowance)—

(*a*) for the word "and" at the end of paragraph (1)(*a*)(iv) there shall be substituted the word "or";

(*b*) at the end of paragraph (1)(*a*)(v) there shall be inserted the word "; and".

8. In regulation 16 of the principal regulations (reckoning as service of previous periods of employment) there shall be added after paragraph (4)—

"(5) Notwithstanding anything contained in this regulation in the case of a person transferred into the Health and Personal Social Services as a result of a new or reorganised administrative structure there may be paid to the Department in respect of that person a transfer value of an amount to be determined by the Government Actuary or such other arrangements as the Department of Finance may agree instead of a transfer value calculated in accordance with proviso (d) to paragraph (1). Any period of service represented by such amount or any period in respect of which such arrangements have been made shall be regarded as service for the purposes of this regulation provided that the service was reckonable for the purposes of the superannuation scheme associated with his previous employment.".

9. In regulation 21 of the principal regulations (reckoning of previous employment as qualifying service in certain cases) for paragraph (1) there shall be substituted the following—

"**21.**—(1) In the case of—

(*a*) a person who was transferred under the Act or the Order to the employment of an employing authority and who thereupon became an officer of that employing authority;

(*b*) a person who entered the employment of an employing authority in consequence of the acquisition of premises by the Authority under section 67 of the Act, having been employed solely or mainly at or for the purposes of the said premises immediately prior to their acquisition, and who thereupon became an officer of that employing authority; or

(*c*) a person who being a consultant solely or mainly employed immediately prior to the appointed day at or for the purposes of a hospital transferred to the Authority under section 23 of the Act, entered employment on the appointed day as an officer of an employing authority,

there shall be reckonable as service in relation to any such employment as is mentioned in paragraph (2), for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating any benefit to which he may become entitled, all periods of employment, not otherwise reckonable as service, after he attained the age of eighteen years, under any authority or body from which functions were transferred by the Act, the Order, or under an officer of such an authority or body or at or for the purposes of premises which have been transferred to or acquired by the Authority under the Act, and, if he left any such employment as aforesaid in order to undertake war service or, if immediately after leaving that employment he became engaged in national service, and within six months after the termination of that service returned to any such employment as aforesaid or entered the