1973. No. 201 **[C]**

HEALTH SERVICES SUPERANNUATION

REGULATIONS, DATED 25TH JUNE 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES WITH THE CONSENT OF THE MINISTRY OF FINANCE UNDER ARTICLE 12 OF THE SUPERANNUATION (NORTHERN IRELAND) ORDER 1972 AND UNDER SECTION 103 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, on behalf of the Secretary of State, in exercise of powers conferred by section 103 of the National Insurance Act (Northern Ireland) 1966(a) (having been determined by the Ministry of Finance to be the appropriate department for the purposes of that section to make regulations modifying the scheme for the provision 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 Ministry of Finance hereby makes the following regulations—

Citation and commencement

1. These regulations may be cited as the Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland) 1973 and shall come into operation on 9th July 1973.

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 practitioner benefits

3. Regulation 56 of the principal regulations (scales of pension and retiring allowance for a practitioner) shall be amended as follows:—

(1) For paragraph (2)(*a*) there shall be substituted—

"(2)(*a*) 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 sub-paragraph—

(i) 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 Ministry, 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

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

(ii) remuneration paid during any financial year for services 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.".

(2) In paragraph (2)(*b*) the words from "and for the purposes of this subparagraph" to the end of the paragraph shall be deleted.

4. The following regulation shall be inserted after regulation 60 of the principal regulations—

"*Reckoning of practitioner service and remuneration*

61.—(1) In order to determine the total service as a practitioner all periods of service as a practitioner shall be aggregated, and where two or more periods aggregate to 365 days or more each period of 365 days shall be reckonable as one year, service on 29th February in a leap year being disregarded.

(2) Where a pension is payable under regulation 7(1)(*a*)(i) to a practitioner whose service does not include any service otherwise than as a practitioner, his reckonable service shall be increased as follows—

(*a*) if his contributing service does not exceed 10 years, by whichever is the less of either a period equal to such service or the period by which such service would have been increased if he had continued to be a practitioner until he had reached the age of 65 years; or

(*b*) if his contributing service exceeds 10 years, by a period equal to whichever is the greater of the following—

(i) whichever is the less of either the period by which such service is less than 20 years or the period by which such service would have been increased if he had continued to be a practitioner until he had reached the age of 65 years; or

(ii) whichever is the less of either 6 years and 243 days or the period by which such service would have been increased if he had continued to be a practitioner until he had reached the age of 60 years.

(3) Where a pension is payable under regulation 7(1)(*a*)(i) to a practitioner whose service includes service otherwise than as a practitioner, his aggregate service as a practitioner and as an officer other than a practitioner shall be increased in the manner provided in paragraph (2) of this regulation, the period of service as a practitioner and as an officer other than a practitioner each being increased by the same proportion as the aforesaid aggregate service is increased.

(4) Where service as a practitioner is increased in accordance with paragraph (2) or (3) of this regulation, the total uprated remuneration as a practitioner shall be increased by the same proportion as the service as a practitioner is increased.".

5. For the proviso to regulation 28(3) of the principal regulations (calculation of service) there shall be substituted—

"Provided that—

(i) in determining the period by which such service would have been increased if the officer had continued to be employed, no account shall be taken of any provision in these regulations for reckoning any period of service at more than its length; and