1972. No. 343 **[C]**

HEALTH SERVICES SUPERANNUATION

REGULATIONS, DATED 13TH DECEMBER 1972, 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) 1972 and shall come into operation on 20th December 1972.

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 meaning as in the principal regulations.

Amendments relating to the reckoning of service

3. In regulation 2(1) of the principal regulations (which defines expressions used in the regulations) the words from '"non-contributing service"' to "regulation 24;" shall be deleted.

4. For regulation 28 of the principal regulations (calculation of service) there shall be substituted—

"**28.**—(1) In calculating the length of an officer's whole-time service, other than service as a practitioner, and in making any other calculation under these regulations (except a calculation under regulation 37)—

(*a*) any of the following periods of service which is not reckonable as contributing service by virtue of regulation 24 shall be reckonable at its full length for the purpose of determining whether any benefit is payable to or in respect of him, and for all other purposes shall reckon as a period of contributing service at half its length—

(**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.

(i) any period of service which was reckonable before 25th March 1972 as a period of non-contributing service;

(ii) any period of whole-time service during which he did not pay and was not deemed to have paid contributions but excluding a period of employment during which he was absent without leave; and

(iii) any service which is reckonable by virtue of regulation 16 and which was reckonable in an employment referred to in paragraph (3) of that regulation as non-contributing service or as a period of service which would have reckoned for benefits at half the value of the benefits for contributing service or for established service;

(*b*) in order to determine the total contributing service of an officer for all purposes other than a calculation under the fourth schedule all periods of contributing service shall be aggregated, and where two or more periods aggregate to 365 days or more each period of 365 days shall be reckoned as one year, service on 29th February in a leap year being disregarded.

(2) Where a benefit (except a benefit under regulation 37) payable to or in respect of an officer is required to be calculated by reference to years of contributing or non-contributing service, there shall also be payable in respect of any part of a year an amount which bears the same proportion to the amount payable for a year as the number of days in that part bears to 365 days.

(3) Where a pension is payable under regulation 7(1)(*a*)(i) there shall be added to the officer's service a period of contributing service as follows—

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

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

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

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

Provided that 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."

5. In the proviso to regulation 8(1) of the principal regulations (scales of pension and retiring allowance) the words after "average remuneration" shall be deleted.

6. In the proviso to regulation 19(2) of the principal regulations (reckoning of service in certain continuing employments) for the words "number of years", wherever they occur, there shall be substituted "period".

7. In the proviso to regulation 21(1) of the principal regulations (reckoning of qualifying service) for the words "number of years", wherever they occur, there shall be substituted "period".

8. In regulation 22(1) of the principal regulations (reckoning of certain periods)—

(*a*) for "as if any such period were non-contributing service" there shall be substituted "as if any such period were reckonable as contributing service at half its length only";

(*b*) for "shall be reckonable as service" there shall be substituted "shall be reckonable as contributing service at its full length".

9. In regulation 24 of the principal regulations (reckoning of contributing and non-contributing service)—

(*a*) in paragraph (5) after "the second schedule in order" for the remainder of the sub-paragraph there shall be substituted "that the completed years of any service which is reckonable as contributing service at half length may be reckoned in full";

(*b*) in paragraph (6) the words from "Notwithstanding the provisions of paragraph (4)" shall be deleted.

10. In regulation 28A of the principal regulations (calculation of part-time service) for paragraph (7) there shall be substituted—

"(7) Notwithstanding anything in regulation 28(3), where an officer becomes entitled to a pension under regulation 7(1)(*a*)(i) in respect of service which consists of or includes service in part-time employment, his aggregated service, as calculated under regulations 28(1) and 28A(1), shall be increased as provided in regulation 28(3) and his reckonable service shall be increased by the same proportion as such aggregated service is increased.".

11. In regulation 34(2) of the principal regulations (separate benefits for re-employed pensioners) for the words "number of years of service under these regulations by which those years, together with the years of" there shall be substituted "service under these regulations which, together with the" and for the word "exceed" there shall be substituted "exceeds".

12. In regulation 37 of the principal regulations (benefits of officers not exercising certain options) for sub-paragraphs (i) and (ii) of paragraph (3) there shall be substituted—

"(*a*) any officer to whom paragraph (1) applies shall be increased, in the case of an officer who has not exercised an option, in respect of any period prior to his becoming an officer, or, in the case of an officer who has exercised an option but in whose case the option has ceased to have effect, in respect of any period prior to the date on which the option ceased to have effect, by—

(i) one-half per cent. in respect of each complete year of the aggregate of his contributing service reckonable in respect of that period; and

(ii) one-quarter per cent. in respect of each year of his non-contributing service so reckonable, such non-contributing service being calculated by deducting such complete years of contributing service reckonable as in (i) aforesaid, from the aggregate of all his service reckonable in respect of that period, so, however, that if such non-contributing service, as so calculated, includes a fraction of a year, that fraction shall, if it exceeds one half of a year be treated as one complete year, and any other fraction shall be disregarded;

(*b*) any officer to whom paragraph (2) applies shall be increased by the percentages in (i) and (ii) of the foregoing sub-paragraph for any period of service in respect of which he would have been entitled (by virtue of the rights mentioned in the said paragraph (2)) to have his retiring allowance (or any corresponding benefit, however named) increased if, on leaving the employment mentioned in either of the said paragraphs, he had become entitled to that allowance or other such corresponding benefit:".

13. In regulation 44(3) of the principal regulations (modification of benefits and obligations) for proviso (ii) there shall be substituted—

"(ii) for the purpose of calculating the amount of any reduction under this paragraph, where an officer's service is increased by virtue of regulation 28(3) or 28A(7), he shall be deemed to have paid reduced contributions under this regulation in respect of that added service;".

14. In proviso (iii) to regulation 71(2) of the principal regulations (approved employment) for the words "number of years" where they first appear there shall be substituted "period of service", and thereafter, wherever they appear, there shall be substituted "period".

15. In the second schedule of the principal regulations (additional contributory payments)—

(*a*) in paragraph 1 for "The sum payable by an officer who desires to reckon any completed year of non-contributing service as contributing service" there shall be substituted "The sum payable by an officer in order that any completed year of service which is reckonable as contributing service at half length may be reckoned in full";

(*b*) in paragraph 6—

(i) in sub-paragraph (3) after "Such total amount is the sum payable by the officer" for the remainder of the sub-paragraph there shall be substituted "in order that one year of the service which he is entitled to reckon on the material date at half length may be reckoned in full";

(ii) in sub-paragraph (6) for "to reckon as contributing service more than one year of the non-contributing service which he is entitled to reckon at the material date" there shall be substituted "that more than one year of the service which he is entitled to reckon on the material date at half length may be reckoned in full";

(iii) in sub-paragraph (7) the word "non-contributing" shall be deleted.

Amendments relating to the meaning of average remuneration

16. In regulation 29 of the principal regulations (meaning of average remuneration) for the words from the beginning of paragraph (1) to the end of proviso (*a*) there shall be substituted—

"(1) For the purposes of these regulations, the average remuneration of a person in relation to his employment as an officer by an employing authority means his remuneration in respect of his final year of such employment, and of any other employment, war service or national service reckonable as contributing service in relation to that employment, ending on the date on which he ceased to hold his employment as an officer or the date on which he became an officer mentioned in paragraph (4) of regulation 6 whichever is the earlier, and such a final year shall, if a particular case so requires, be computed by aggregating periods of employment so as to constitute a period of one year so, however, that if his employment or service as aforesaid was for less than one year his average remuneration shall be deemed to be the amount he received increased by the proportion which 365 bears to the number of days of his employment or service:

Provided that—

(*a*) (i) if the annual amount of remuneration of an officer in either of the two consecutive years immediately preceding the final year is higher than his remuneration in his final year, then the remuneration in whichever of such earlier years was the higher shall be deemed to be the amount of remuneration for the final year;

(ii) if his employment was for less than three years and his remuneration in the year immediately preceding his final year was higher than his remuneration in his final year, then such higher remuneration shall be deemed to be the amount of remuneration for the final year;".

17. In regulation 8(A)(2) of the principal regulations (additional benefits for certain officers), for the words from "the average remuneration" to the end of the paragraph there shall be substituted "such fees had been his remuneration:

Provided that—

(i) where such benefit is calculated by reference to average remuneration, such fees shall be aggregated with his remuneration in order to determine, for the purposes of proviso (*a*) to regulation 29(1), whether his remuneration was higher in any year preceding the final year;

(ii) proviso (*f*) to regulation 29(1) shall not apply to such fees.".

Amendments to the minimum qualifying period of service

18. In the principal regulations—

(*a*) in regulation 7(1) and (2) for the word "ten" wherever it occurs there shall be substituted "five";

(*b*) in regulation 7(1)(*b*) for the words "(i)" to "service" there shall be substituted "of this paragraph";

(*c*) in regulation 13(1) for the word "ten" wherever it occurs there shall be substituted "five";

(*d*) in regulation 13A(2)(*a*) for the word "ten" there shall be substituted "five";

(*e*) in regulation 41 for the word "ten" there shall be substituted "five".