1967. No. 55 **[C]**

HEALTH SERVICES SUPERANNUATION

REGULATIONS*, DATED 14TH MARCH 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SECTION 61(1) OF THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1948.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by section 61(1) of the Health Services Act (Northern Ireland) 1948(a), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following regulations:—

Citation and Commencement

1.—(1) These regulations may be cited as the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1967.

(2) The Health Services (Superannuation) Regulations (Northern Ireland) 1962(b) and these regulations may be cited together as the Health Services (Superannuation) Regulations (Northern Ireland) 1962 and 1967.

(3) These regulations shall come into operation on 1st April 1967.

Interpretation

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

Amendments relating to benefits in respect of service as a practitioner

3.—(1) In regulation 2(1) of the principal regulations (which defines expressions used in the regulations), in the definition of "practitioner" the words "and a person rendering part-time specialist services pursuant to section 21 of the Act" shall be omitted.

(2) In regulation 52 of the principal regulations (which applies the regulations to practitioners) the words "save in so far as he is a person rendering specialist services pursuant to section 21 of the Act," shall be omitted.

4. Regulation 8 of the principal regulations (which lays down scales of pension and retiring allowance) shall be amended as follows:—

(*a*) For paragraphs (3) and (4) there shall be substituted the following paragraphs:—

"(3) The pension to be paid to an officer whose service includes service as a practitioner shall—

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

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(a) 1948. c. 3. (b) S.R. & O. (N.I.) 1962, No. 237.

*A draft of these Regulations was approved by resolution of the House of Commons on 1st March 1967, and by resolution of the Senate on 9th March 1967.

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

and regulation 56(5) shall apply in relation to such an officer as it applies in relation to a practitioner.

(4) The retiring allowance to be paid to an officer whose service includes service as a practitioner shall be a sum equal to the aggregate of the following amounts, namely—

(*a*) in respect of the service otherwise than as a practitioner, a sum calculated in accordance with paragraph (2) except provisos (*d*) and (*e*) thereto; and

(*b*) in respect of the service as a practitioner, a sum calculated in accordance with regulation 56(2)(*b*);

and regulation 56(6) shall apply in relation to such an officer as it applies in relation to a practitioner.".

(*b*) In paragraph (5) for the words "in accordance with the provisions of proviso (*a*) to paragraph (2) or proviso (*i*) to paragraph (4), or the corresponding provisions of the previous regulations" there shall be substituted the words "on the basis that a widow's pension may become payable under these regulations in respect of his service", and for the words "a person to whom the said provisions applied," there shall be substituted the words "a person in respect of whose service a widow's pension might become payable.".

(*c*) In paragraph (7) the words "or proviso (iii) to paragraph (4)" shall be omitted.

5. In regulation 12(1) of the principal regulations, as renumbered by regulation 19(2) of these regulations, (which relates to death gratuities), for proviso (iii)(*iii*), as renumbered by regulation 21(2)(*c*) of these regulations, there shall be substituted the following:—

"(*iii*) in respect of service as a practitioner (other than service deemed to be so reckonable under regulation 56(3)(*b*)) a sum equal to three times the annual amount of a pension calculated under regulation 56(2)(*a*) in respect of that service or, if a widow's pension is payable under these regulations in respect of his death, a sum equal to that amount;".

6. At the end of regulation 34 of the principal regulations (which provides for separate benefits in the case of certain re-employed pensioners) there shall be added the following paragraph:—

"(7) In calculating the benefit payable to a practitioner to whom this regulation applies no account shall be taken for the purpose of regulation 56(2)(*a*) of any service prior to the date of his last becoming an officer.".

7. For regulation 56 of the principal regulations (which provides scales of pension and retiring allowance for practitioners) there shall be substituted the following regulation:—

"*Scales of pension and retiring allowance for a practitioner*

56.—(1) Subject to the provisions of these regulations—

(*a*) the pension to be paid to a practitioner whose service does not include any service otherwise than as a practitioner shall be on the scale set out in paragraph (2)(*a*), and paragraph (3) shall apply in relation to such a practitioner;

(*b*) the retiring allowance to be paid to a practitioner whose service does not include any service otherwise than as a practitioner shall be a sum calculated in accordance with paragraph (2)(*b*), and paragraph (4) shall apply in relation to such a practitioner;

(*c*) the pension to be paid to a practitioner whose service includes service otherwise than as a practitioner shall—

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

(ii) in respect of the service otherwise than as a practitioner, be on the scale set out in regulation 8(1), except the proviso thereto, by reference to his average remuneration at the date on which he last ceased to be employed in such other capacity,

and paragraph (5) shall apply in relation to such a practitioner;

(*d*) the retiring allowance to be paid to a practitioner whose service includes service otherwise than as a practitioner shall be a sum equal to the aggregate of the following amounts, namely—

(i) in respect of the service as a practitioner, a sum calculated in accordance with paragraph (2)(*b*), and

(ii) in respect of the service otherwise than as a practitioner, a sum calculated in accordance with regulation 8(2), except provisos (*d*) and (*e*) thereto, by reference to his average remuneration at the date on which he last ceased to be employed in such other capacity,

and paragraph (6) shall apply in relation to such a practitioner.

(2) (*a*) The pension to be paid in respect of service which is reckonable under these regulations as service as a practitioner shall be calculated by reference to the service so reckoned in any financial year and shall, in respect of the service in each year shown in column (1) of the table hereunder, be the percentage of the remuneration for that service shown opposite thereto in column (2).

Financial years including any service as a practitioner (1)	Percentage of remuneration for that service (2)
The first ten such years . . .	1½ per cent.
The second ten such years . .	1¾ per cent.
The third ten such years . .	2 per cent.
The fourth ten such years . .	2¼ per cent.
Any such year after the fortieth .	2½ per cent.

For the purposes of this sub-paragraph—

(i) there shall be regarded as financial years mentioned in column (1) of the table any financial years during which a practitioner was engaged in national service, being years immediately following any financial year so mentioned; but otherwise no account shall be taken of any financial year

during which there was no service which is reckonable as service as a practitioner, and

(ii) 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.

(*b*) The retiring allowance to be paid in respect of service as a practitioner shall be—

(i) in the case of a married male practitioner in respect of whose service a widow's pension may become payable under these regulations, a lump sum equal to the annual amount of a pension calculated under paragraph (2)(*a*) in respect of that service;

(ii) in the case of a practitioner entitled to a pension who is a widower or who is divorced or judicially separated from his wife and who satisfies the description contained in paragraph (7), an amount equal to three times the annual amount of a pension calculated under paragraph (2)(*a*) in respect of the service as a practitioner since the date of his wife's death, divorce or separation, as the case may be, or, if immediately before her death, divorce or separation the wife was a person to whom proviso (iv) to regulation 13(1) would have applied in the circumstances mentioned in that regulation, the date on which she first became such a person, and an amount equal to the annual amount of a pension calculated under that paragraph in respect of his service before that date;

(iii) in any other case an amount equal to three times the annual amount of a pension calculated under paragraph (2)(*a*) in respect of that service;

and for the purposes of this sub-paragraph no account shall be taken of service which under paragraph (3)(*b*) is deemed to be service as a practitioner.

(3) In calculating the pension to be paid to a practitioner whose service does not include any service otherwise than as a practitioner and—

(*a*) whose service exceeds forty-five years, the pension shall be calculated by reference to the last forty-five years service;

(*b*) who is entitled to a pension under regulation 7(1)(*a*)(i) and whose service is less than twenty years, his service as a practitioner shall be deemed to have continued until he had completed twenty years of such service or such lesser period as he could have completed by the age of sixty-five or by any greater age which the Ministry may have allowed in his case under regulation 6(4) as substituted by regulation 53(1); and the remuneration in respect of that deemed service shall be taken to be at a rate equivalent to the average rate of his remuneration during the period of his actual service as a practitioner.

(4) In calculating the retiring allowance to be paid to a practitioner whose service does not include any service otherwise than as a practitioner and—

(*a*) whose service exceeds forty-five years, the sum to be calculated under paragraph (2)(*b*) shall be calculated by reference to the last forty-five years service;

(*b*) to whom no pension is payable, if the amount of the retiring allowance calculated under paragraph (2)(*b*) is less than the amount of his contributions together with compound interest thereon, the allowance shall be increased by the amount of the deficiency;

(*c*) whose retiring allowance has been calculated on the basis that a widow's pension may become payable under these regulations in respect of his service, and the practitioner's wife has become a person to whom proviso (iv) to regulation 13(1) would apply in the circumstances mentioned in that regulation, there shall be paid to the practitioner a sum equal to two-thirds of the difference between the amount of the retiring allowance so paid to him and the amount of the retiring allowance which would have been paid to him had he not been a person in respect of whose service a widow's pension might become payable;

(*d*) the amount of the retiring allowance, together with the capital value of any pension to which he may also have become entitled, is less than the amount of his average remuneration, then, if he requests the Ministry in writing to apply this provision in his case, the Ministry may either increase the amount of the retiring allowance by the amount of the capital value of the death gratuity and of any widow's pension which would apart from this provision become payable on his death, or increase the amount of any such pension as aforesaid by an equivalent annual sum, and, if the Ministry exercises this discretion, no death gratuity or widow's pension shall be payable in respect of him.

(5) In calculating the pension to be paid to a practitioner whose service includes service otherwise than as a practitioner and—

(*a*) whose contributing service, together with his non-contributing service (if any) reckoned at half its length, exceeds forty-five years, the pension shall be calculated by reference to the last forty-five years actual service, any non-contributing service within that period being reckoned as contributing service;

(*b*) who is entitled to a pension under regulation 7(1)(*a*)(i) and whose aggregate service as a practitioner and as an officer other than a practitioner is less than twenty years, any non-contributing service being reckoned at half its length and any concurrent periods of employment being regarded as a single employment, his aggregate service as aforesaid shall be increased in the manner provided in paragraph (3)(*b*), 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, and the remuneration in respect of the deemed service as a practitioner shall be calculated in accordance with that paragraph.

(6) In calculating the retiring allowance to be paid to a practitioner whose service includes service otherwise than as a practitioner and—

(*a*) whose contributing service, together with his non-contributing service (if any) reckoned at half its length, exceeds forty-five years, the amount of the allowance shall be calculated by reference to the last forty-five years actual service, any non-contributing service within that period being reckoned as contributing service;