REGULATIONS*, DATED THE 19TH DAY OF DECEMBER, 1957, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SUB-SECTION (1) OF SECTION 61 OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1957. No. 253 [C]

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by sub-section (1) of section 61 of the Health Services Act (Northern Ireland), 1948, as amended by section 11 of and the Schedule to the Health Services Act (Northern Ireland), 1953, and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance for Northern Ireland, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland), 1957, and shall come into operation on the first day of January, 1958.

(2) These regulations, the Health Services (Superannuation) Regulations (Northern Ireland), 1954, and the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1957, shall be construed as one and may be cited together as the Health Services (Superannuation) Regulations (Northern Ireland), 1954 to 1957.

(3) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"the principal regulations" means the Health Services (Superannuation) Regulations (Northern Ireland), 1954, as amended by the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1957;

"regulation" means regulation contained in the principal regulations;

"schedule" means schedule to the principal regulations.

2. In regulation 1—

(*a*) in paragraph (3) thereof—

(i) in the definition of "additional contributory payment" after the words "or regulation 15A" there shall be inserted the expression "or 15B";

(ii) in the definition of "contributing service" after the words "regulation 15 or 15A" there shall be inserted the words "or 15B and includes any added years reckonable in accordance with regulation 15C";

(iii) there shall be inserted the following new definitions:—

* A draft of the above regulations was approved by resolutions of the House of Commons and of the Senate on the 17th day of December, 1957.

" " the Act of 1937" means the Local Government Superannuation Act, 1937 or the Local Government Superannuation (Scotland) Act, 1937, as the case may be;

" the Act of 1948 " means the Superannuation (Miscellaneous Provisions) Act, 1948;

" the Act of 1953 " means the Local Government Superannuation Act, 1953;

" the English or Scottish Local Government regulations, 1954 " means the Local Government Superannuation (Benefits) Regulations, 1954, or, as the case may be, the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954;

" added years ", in relation to any person, means any additional years of service reckonable by him under regulation 12 of the English or Scottish Local Government regulations, 1954, any corresponding provision of a local Act scheme, or that regulation or any such provision as aforesaid as applied by regulations made under the Third or Fourth Schedule to the Act of 1953, and includes any additional years which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become reckonable under or by virtue of any enactment by a contributory employee or local Act contributor;

" contributory employee " has the same meaning as in the Act of 1937;

" local Act authority " and " local Act scheme " have the same meanings respectively as in the Act of 1937;

" local Act contributor " has the same meaning as in the Act of 1937 and includes a person who, although not in the employment of a local Act authority, was entitled to participate in the benefits of a superannuation fund maintained under a local Act scheme; " ;

(*b*) After paragraph (3) thereof there shall be inserted the following new paragraph:—

" (3A) In these regulations—

(*a*) references to any enactment shall be construed as references to that enactment as amended, extended or applied by any other enactment and accordingly (without prejudice to the generality of the preceding provisions of this paragraph) any reference to the Act of 1937 shall, unless the context otherwise requires, be construed as including a reference to the Act of 1953;

(*b*) any reference to non-contributing service under a local Act scheme shall be construed as a reference to non-contributing service as defined in the relevant local Act scheme; and

(*c*) any reference to a person's becoming an officer of an employing authority within twelve months after leaving employment subject to the Act of 1937 or a local Act scheme or within twelve months after ceasing to be a contributory employee or local Act contributor and any reference to the like effect shall be construed in relation to a person to whom section 6 of the Act of 1948 has become applicable, as a reference to his becoming an officer within five years, or such longer period as the Minister of Housing and Local Government or the Secretary of State for Scotland, as the case may be, may in any particular case allow, after so leaving such employment or ceasing to be such an employee or contributor as aforesaid ";

(*c*) In paragraph (6) thereof—

(i) in the first expression in brackets, after the figures " 5, 15," there shall be inserted the figures " 15B, 15C,";

(ii) in sub-paragraph (*c*), after the words " the Act of 1909," there shall be inserted the words " the Act of 1937, a local Act scheme,";

(iii) after sub-paragraph (*d*) there shall be inserted the following new sub-paragraphs:—

"(*e*) any sums paid by him under a scheme made under sub-section (3) of section 28 of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936 (which conferred a power to modify existing superannuation schemes) or the corresponding provisions of any Act repealed by that Act;

(*f*) any contributions which, by virtue of rule 20 of the Superannuation (Transfers between the Civil Service and Local Government) Rules, 1950 and 1955, or rule 10 of the Superannuation (English Local Government and Northern Ireland Civil Service) Interchange Rules, 1957 or rule 10 of the Superannuation (Local Government and Northern Ireland Civil Service) Interchange (Scotland) Rules, 1957, he would have been deemed to have made to the superannuation fund to which he was a contributor had he ceased to hold the employment in which he was such a contributor in the circumstances mentioned in any of those rules:";

(iv) there shall be added the following proviso:—

"Provided that in proviso (*bb*) to paragraph (2) of regulation 14 the reference to contributions shall be construed, in relation to a person who was in employment in which he was subject to the Act of 1937 or a local Act scheme, as a reference to contributions returned on or after his ceasing to hold that employment other than payments made voluntarily for the purpose of securing benefits for his widow, children or other dependants and payments (except completed payments, that is to say, payments in respect of a liability which has been wholly discharged) of any of the following categories—

(i) additional contributory payments of the kind referred to in sub-sections (3) and (4) of section 2 of the Act of 1953;

(ii) any similar payments made under a local Act scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme, or, where the local Act scheme provides for the reckoning of non-contributing service, as contributing service for the purposes of the scheme;

(iii) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating the benefits under a local Act scheme; and

(iv) any payments made in respect of added years.".

3. In regulation 14—

(*a*) in proviso (*a*) to paragraph (2) thereof, in the expression in brackets, after the words "subject to" there shall be inserted the words "the Act of 1937, a local Act scheme,";

(*b*) after proviso (*b*) to paragraph (2) thereof there shall be inserted the following proviso:—

"(*bb*) this paragraph shall not apply to any officer who in the employment he has ceased to hold was a contributory employee or local Act contributor unless—

(i) he ceased to hold his former employment not earlier than the fourth day of February, 1948; and

(ii) he has given the employing authority the notice and particulars of his national service (if any) required by rules made under section 2 of the Act of 1948 and paid to that authority an amount equal to any

sum paid to him by way of return of contributions on or after his ceasing to hold his former employment together with an amount equal to any income tax which was deducted from his contributions in respect of such payment;";

(*c*) in proviso (*c*) to paragraph (2) thereof, after the words "the 1948 regulations" there shall be inserted the words "the Act of 1937, a local Act scheme,";

(*d*) in proviso (*i*) to paragraph (2) thereof, after the words "employment in which he was" there shall be inserted the words "a contributory employee or local Act contributor to whom regulation 21 or 22 of the English or Scottish Local Government regulations, 1954, applied, or was such a person as is referred to in regulation 23 of those regulations or, being a male person, was employed in a children's home or hostel provided by a Great Britain local authority under any enactment other than an enactment relating to education, and in that employment had the care of persons under the age of eighteen years, or where a person was in employment in which he was";

(*e*) in proviso (*j*) to paragraph (2) thereof, after the words "employment in which he was" there shall be inserted the words "a contributory employee or local Act contributor or a person";

(*f*) in proviso (*k*) to paragraph (2) thereof, after the words "employment in which he was" there shall be inserted the words "a contributory employee or local Act contributor or a person";

(*g*) after proviso (*k*) to paragraph (2) thereof there shall be inserted the following additional provisos:—

"(*l*) where a person has become an officer within twelve months after ceasing to be a contributory employee, and by virtue of the provisions of a scheme modifying the Act of 1937 any period of employment was reckonable at a fraction of its actual length for the purpose of calculating the transfer value payable in respect of the officer, that period of employment shall be reckonable as service at its actual length solely for the purpose of determining whether any benefit is payable to or in respect of him and shall otherwise be reckonable as service at the aforesaid fraction of its actual length;

(*m*) in the case of a person who has been in such employment as is mentioned in head (ivA) or (ivB) of sub-paragraph (*c*) of the next succeeding paragraph there shall not be reckonable as service under these regulations except for the sole purpose of determining whether any benefit is payable to or in respect of the person thereunder—