HEALTH SERVICES (SUPERANNUATION) AMENDMENT

REGULATIONS*, DATED THE 27TH DAY OF JUNE, 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. 116 [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(a), as amended by section 11 of and the Schedule to the Health Services Act (Northern Ireland), 1953(b), 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) Regulations (Northern Ireland), 1957, and shall come into operation on the first day of July, 1957.

(2) These regulations and the Health Services (Superannuation) Regulations (Northern Ireland), 1954(c), 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:—

"regulation" means regulation contained in the Health Services (Superannuation) Regulations (Northern Ireland), 1954;

"schedule" means schedule to the Health Services (Superannuation) Regulations (Northern Ireland), 1954.

2. In regulation 1—

(*a*) in paragraph (3) thereof—

(i) in the definition of "additional contributory payment", before the words "of these regulations" there shall be inserted the words "or regulation 15A";

(ii) in the definition of "assistant practitioner", after the words "as such practitioner" there shall be inserted the words ", other than an employee of a medical practitioner for whose employment the consent of the Board is not required";

(a) 1948. c. 3. (b) 1953. c. 6. (c) S.R. & O. (N.I.), 1954 No. 83.

*A draft of the above regulations was approved by resolution of the Senate on the 25th day of June, 1957, and by resolution of the House of Commons on the 26th day of June, 1957.

(iii) in the definition of "contributing service", after the expression "regulation 15" there shall be inserted the words "or 15A";

(iv) in the definition of "pensionable age" the words "for the purposes of the proviso to regulation 7(1) the age of sixty-five years and for all other purposes" shall be deleted;

(v) in the definition of "remuneration", before the word "means" there shall be inserted the words ", except as provided in regulation 39, paragraph 1 of the fourth schedule and paragraph 1 of Part I of the eighth schedule,";

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

"judicially separated" means judicially separated in circumstances in which the husband is not required by decree or order of a competent court to contribute to the support of his wife, and is not, in fact, so contributing;

"officer", subject as provided in regulation 6(3), has the meaning assigned to it by regulation 3(1).";

(*b*) after paragraph (5) thereof there shall be added the following new paragraph:—

"(6) In these regulations, unless the context otherwise requires, references to an officer's contributions (except references in regulations 5, 15, 25, 27 and 33 and in sub-paragraphs (*b*) and (*c*) of paragraph (3) of regulation 39) shall be construed as including references to—

(*a*) any sums contributed by him under regulation 5 of these regulations or regulation 4 of the 1948 regulations;

(*b*) any sums paid by him by way of additional contributory payments;

(*c*) any sums contributed, or treated as having been contributed, by him under the Act of 1909, the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations; and

(*d*) any sums contributed by him under any scheme approved by the Ministry under regulation 14(3)(*c*)(vii)."

3. In regulation 2, at the end of the proviso thereto, there shall be added the words ", and subject to the provisions of regulation 43 of these regulations, where a transfer value has become payable before the date of coming into operation of these regulations, any outstanding liability in respect of that transfer

value shall be discharged in the manner in which it would have been required to be discharged if these regulations had not been made."

4. In regulation 3, in paragraph (1) thereof—

(*a*) in sub-paragraph (*b*) after the words "any such employment as is mentioned in regulation 14(3)" there shall be inserted the words "or any employment in which he was a participant in the Federated Superannuation Scheme for Nurses and Hospital Officers or in a scheme approved by the Ministry for the purposes of regulation 27(6)";

(*b*) for sub-paragraph (*e*) there shall be substituted the following sub-paragraph:—

"(*e*) any other whole-time officer who at any time since attaining the age of eighteen years has been in the employment of that or any other employing authority, as such whole-time officer or as such a part-time officer as is mentioned in sub-paragraph (*h*) of this paragraph, for a continuous period of two years or for an aggregate period of two years without having had before the expiration of that aggregate period a break of more than one month at any one time,";

(*c*) in sub-paragraph (*g*) after the words "any such employment as is mentioned in regulation 14(3)" there shall be inserted the words "or any employment in which he was a participant in the Federated Superannuation Scheme for Nurses and Hospital Officers or in a scheme approved by the Ministry for the purposes of regulation 27(6)";

(*d*) for sub-paragraph (*h*) there shall be substituted the following sub-paragraph:—

"(*h*) any other part-time officer who devotes the rest of his time to employment under any employing authority, local authority or governing body of a medical school, or who falls within any class or description of persons which the Ministry may designate and who at any time since attaining the age of eighteen years has been in the employment of that or any other employing authority, as such part-time officer or as such a whole-time officer as is mentioned in sub-paragraph (*e*) of this paragraph, for a continuous period of two years or for an aggregate period of two years without having had before the expiration of that aggregate period a break of more than one month at any one time,";

(*e*) at the end thereof there shall be substituted for the words "and the term "officer" shall be construed accordingly" the words "and the term "officer" shall

subject to the provisions of paragraph (3) of regulation 6 be construed accordingly ".

5. In regulation 5—

(*a*) in paragraph (1) thereof there shall be substituted for the proviso to sub-paragraph (*a*) the following provisos:—

" Provided that—

(*i*) in the case of an officer whose employment is by way of manual labour five per cent. shall be substituted for six per cent. in item (i) of this sub-paragraph and six per cent. shall be substituted for eight per cent. in item (ii) thereof;

(*ii*) notwithstanding any other provision of these regulations an employing authority may, instead of calculating separately in respect of each officer the employer's contributions payable by them to the Ministry, calculate by a method approved by the Ministry the total employer's contributions payable by the employing authority in respect of the officers of the employing authority or such class or classes of such officers as may be specified by the Ministry ";

(*b*) for paragraph (2) thereof there shall be substituted the following paragraph:—

" (2) Where an officer, on being transferred to other employment under any employing authority, suffers a reduction in his remuneration, or while continuing in the same employment suffers a reduction in his remuneration which is not attributable to his own act, then, if he gives notice in writing to the employing authority, within one month after the reduction, or such longer period as the Ministry may in any particular case allow, that he wishes this provision to apply to him, he shall make contributions under this regulation as if his remuneration had not been reduced:

Provided that the provisions of this paragraph shall not apply or shall cease to apply to an officer who has suffered a reduction in his remuneration in the circumstances aforesaid, if at the time of such reduction, or within twelve months thereafter, he entered or enters other employment in circumstances in which—

(i) a transfer value was or is payable in respect of him; or

(ii) the Ministry has made or decides to make a payment in respect of him under paragraph (1) of regulation 41.";

(*c*) in paragraph (7) thereof there shall be substituted for the word " Notwithstanding " the words " Subject to the provisions of regulation 39, but notwithstanding "

and after the words " liable to make if " where they first occur there shall be inserted the words ", during the period of his national service,".

6. The existing regulation 6 shall be re-numbered regulation 6(1); for the words " sub-paragraph (i) of paragraph (*a*) of this regulation " therein there shall be substituted the words " sub-paragraph (*a*) (i) of this paragraph " and there shall be added the following paragraphs—

" (2) A person who, while continuing to be employed in employment under an employing authority, ceases, on or after attaining the age of sixty years, to hold one or more other such employments and on that account ceases to be, in his continuing employment, an officer to whom Part I of these regulations applies, shall be entitled on ceasing to hold that employment to receive from the Ministry—

(*a*) an annual pension, if on ceasing to be an officer he had completed ten years' service; and

(*b*) a lump sum retiring allowance, if on ceasing to be an officer he had completed five years' service.

(3) In regulation 7 (except where it occurs for the second time in the proviso to paragraph (1), in proviso (ii) to paragraph (3) and in sub-paragraph (*a*) of paragraph (7)) and, elsewhere in these regulations, so far as may be necessary for the purpose of calculating a benefit payable under these regulations to or in respect of a person to whom the last preceding paragraph applies, the expression " officer " shall include a person to whom the last preceding paragraph applies."

7. In regulation 7—

(*a*) in the proviso to paragraph (1) and in proviso (ii) to paragraph (3) thereof for the expression " 6(*a*)(i) " there shall be substituted the expression " 6(1)(*a*)(i) " and for the expression " pensionable age " there shall be substituted the expression " the age of sixty-five years ";

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

" (*b*) in the case of a married male officer to whose wife, if she survives him, a widow's pension will not become payable because she is such a person as is mentioned in proviso (iv) to paragraph (1) of regulation 12, the amount of the allowance shall be reduced by two-ninths thereof, unless at the time of her marriage to him she was already entitled to a pension under these regulations otherwise than as a practitioner or, being an officer other than a practitioner, had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed;";