
STATUTORY INSTRUMENTS

1980 No. 1949

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Superannuation)
(War Service, Etc.) Amendment Regulations 1980**

<i>Made</i>	- - - -	<i>15th December 1980</i>
<i>Laid before Parliament</i>		<i>23rd December 1980</i>
<i>Coming into Operation</i>		<i>13th January 1981</i>

The Secretary of State for Social Services, in exercise of powers conferred by sections 10(1), (2) and (3) and 12(1) and (2) of, and paragraphs 1, 3, 4 and 13 of Schedule 3 to, the Superannuation Act 1972 and all other powers enabling him in that behalf, after consulting such representatives of persons likely to be affected by these regulations as appear to him to be appropriate, and with the consent of the Minister for the Civil Service, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Superannuation) (War Service, etc.) Amendment Regulations 1980 and shall come into operation on 13th January 1981.

Interpretation

2. In these regulations “the War Service Regulations” means the National Health Service (Superannuation) (War Service, etc.) Regulations 1977 and any words and expressions used have the same meanings as in those regulations.

Amendment of regulation 2(1) of the War Service Regulations

3. In regulation 2(1) of the War Service Regulations (interpretation)—

(a) after the definition of “non-effective pay” there shall be inserted the following definition—

““participating scheme” means a superannuation scheme—

(i) which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department;

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- (ii) which includes provisions for the war service of the participants of the scheme in respect of a period before becoming entitled to participate in the scheme to reckon as service in respect of which benefits are payable in the scheme; and
 - (iii) which provides for the making and receipt of transfer payments in respect of that war service.”
- (b) after the definition of “public health service employment” there shall be inserted the following definitions—
- ““public service” means employment in which the employee is entitled to participate in a participating scheme;
 - “transferee” means a person who, having been an officer, was on 1st April 1978 entitled to participate in a participating scheme;”.

Amendment of regulation 4(a) of the War Service Regulations

4. In regulation 4(a) of the War Service Regulations—
- (a) the word “either” shall be deleted; and
 - (b) after sub-paragraph (ii) there shall be inserted the following new sub-paragraph—
 - “(iii) he would satisfy the requirements of sub-paragraph (ii) of this paragraph if on his first entry into public health service employment after war service he had become subject to a pension scheme providing benefits under a policy of insurance, and a transfer payment was made in respect of the period of that employment; or”.

Amendment of regulation 9 of the War Service Regulations

5. In regulation 9 of the War Service Regulations (adjustment of payments for added years in certain cases), for the words “adjust the amount” to the end of that regulation, there shall be substituted the words “accordingly, adjust the amount payable by or as the case may be, refund in whole or in part, the amount paid by the officer.”.

Amendment of regulation 12(3) of the War Service Regulations

6. In regulation 12(3) of the War Service Regulations (provisions relating to the adjustment of certain benefits) after the words “death gratuity” there shall be inserted “paid or”.

Insertion of new regulations 12A and 12B after regulation 12 of the War Service Regulations

7. After regulation 12 of the War Service Regulations there shall be inserted the following regulations—

““Provisions relating to the reckoning of transferred war service

12A.—(1) Subject to regulations 5, 6, 9 and 10 of these regulations and paragraphs (2) to (4), (6) and (7) of this regulation, a period of additional contributing service shall be reckonable in respect of an officer's war service if—

- (a) he was an officer on 1st April 1978; and
- (b) a transfer payment in respect of his war service is paid to the Secretary of State by the body responsible for the administration of a participating scheme.

(2) For the purposes of this regulation the reference in regulation 10(2) of these regulations to the date of coming into operation of these regulations shall be construed as a reference to 13th January 1981.

- (a) (3) On receipt of the transfer payment referred to in paragraph (1)(b) of this regulation there shall be credited to the officer a period of additional contributing service of the same length as the period of additional contributing service in respect of which, having regard to the officer's age and remuneration on 1st April 1978 the Secretary of State would make a transfer payment equivalent to the amount of the transfer payment received, calculated in accordance with the Schedule to these regulations, if he were making such a transfer payment under regulation 12B of these regulations in respect of that officer.
- (b) For the purposes of this paragraph—
- (i) any sum representing the compound interest that may be paid on a transfer payment shall be disregarded;
 - (ii) the remuneration of an officer, other than a practitioner, means the annual remuneration of his employment in respect of which contributions were payable by him on 1st April 1978;
 - (iii) in the case of a practitioner, the annual rate of remuneration shall be the average annual rate of his pensionable pay in respect of the period of three months immediately before 1st April 1978;
 - (iv) where the remuneration by reference to which the transfer payment referred to in paragraph (1)(b) of this regulation is to be calculated relates to a single part-time employment, or to concurrent part-time employments, that transfer payment shall be calculated by reference to the remuneration which would have been paid in respect of a single comparable whole-time employment.
- (4) The period of additional contributing service that is reckonable in respect of an officer specified in paragraph (1) of this regulation shall—
- (a) be regarded as service before 25th March 1972 and as service otherwise than as a practitioner; and
 - (b) for the purposes of regulations 72 and 73 of the principal regulations be aggregated with any other service otherwise than as a practitioner.
- (a) (5) Where such an officer as is specified in paragraph (1) of this regulation has become entitled to a pension under the principal regulations, the provisions of regulation 12(1) of these regulations shall apply to the adjustment of that pension, except that the reference to 17th July 1975 in that regulation shall be construed as a reference to 1st April 1978.
- (b) Where an officer dies and the provisions of paragraphs (1)(b) of this regulation apply, the amount of any widow's pension and child's allowance payable and any death gratuity paid or payable in respect of his service under the principal regulations shall be adjusted as from 1st April 1978 to take into account the additional contributing service.
- (6) Where reciprocal arrangements between the Secretary of State and the participating scheme exist to waive payments due, the Secretary of State may waive the payment of any transfer payment that is otherwise payable by a participating scheme under this regulation; and if he does so, such a payment shall be deemed to have been made for the purposes of this regulation.
- (a) (7) Where paragraph (6) applies there shall be credited to the officer a period of additional contributing service equal to the period of war service in respect of which a transfer payment would have otherwise been made, and where an officer was a participant of the police or firemen's pension schemes the period of additional contributing service shall be increased by one-third of its length.

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- (b) In this paragraph the police or firemen's pension scheme means the pension arrangements maintained in pursuance of regulations made or having effect as if made under the Police Pensions Act 1976(1) or section 25 of the Police Act (Northern Ireland) 1970(2), or the Firemen's Pension Scheme in force under section 26 of the Fire Services Act 1947(3) or section 17 of the Fire Services Act (Northern Ireland) 1969(4).

(8) Any pension to which an officer may become entitled in respect of a period of additional contributing service shall not be reduced under the provisions of regulation 56 of the principal regulations.

Transfer of additional contributing service in respect of war service to a participating scheme

12B.—(1) Subject to the provisions of this regulation, where a transferee ceased to be an officer before 17th July 1975, the Secretary of State shall make a transfer payment calculated in accordance with the provisions of the Schedule to these regulations in respect of his war service to the body responsible for the administration of the participating scheme in which he was entitled to participate on 1st April 1978 if—

- (a) the transferee applies in writing to the Secretary of State, giving particulars of his date of birth, sex, the period of his war service and other particulars that are necessary to enable the Secretary of State to make a transfer payment in accordance with the Schedule to these regulations;
- (b) the application is addressed in the first instance to the said body responsible for the administration of the participating scheme;
- (c) the period of war service would have been reckonable as additional contributing service had the transferee not ceased to be an officer before 17th July 1975; and
- (d) his employment in public health service employment is the first period of public service which reckons as service in respect of which benefits are payable in the said participating scheme.

(2) Where after 16th July 1975 a widow's pension or child's allowance becomes payable under the provisions of a participating scheme in respect of the service of a transferee who, had he not died could have applied for a transfer payment under this regulation, the person entitled to such a pension or child's allowance may apply in accordance with paragraphs (1) (a) and (1)(b) of this regulation, in lieu of his application.

(3) The period of additional contributing service in respect of which the Secretary of State shall make a transfer payment under this regulation shall be calculated in accordance with the formula

$$Z - (6\% \times Z)^2$$

Z is the period of war service.

(4) Where such a body as is referred to in paragraph (1) of this regulation waives payment of the transfer payment which would otherwise have been made in accordance with this regulation, such a transfer payment shall be deemed to have been made for the purposes of this regulation; and the Secretary of State shall notify that body of the period of additional contributing service calculated in accordance with paragraph (3) of this regulation.”.

(1) 1976 c. 35.
(2) 1970 c. 9 (N.I.).
(3) 1947 c. 41.
(4) 1969 c. 13 (N.I.).

Insertion of new regulation 13A after regulation 13 of the War Service Regulations

8. After regulation 13 of the War Service Regulations (reckoning as service previous employment subject to a non-statutory superannuation scheme), there shall be inserted the following regulation—

““Application of regulation 13 to certain persons subject to the Public Health Laboratory Service Group Pension Scheme

13A. Notwithstanding regulation 13 of these regulations, where a person who has been subject to the Public Health Laboratory Service Group Pension Scheme and who was on 30th January 1973 employed under a contract of service by the Public Health Laboratory Service Board or is so employed on the date of the coming into operation of these regulations—

- (a) elects that this regulation shall apply to him, and
- (b) surrenders his accrued rights in that Scheme to the body administering that Scheme, and
- (c) a transfer payment representing that person's accrued rights under that Scheme is made to the Secretary of State;

he shall be credited with service calculated in accordance with the provisions of paragraph (3) of regulation 13 of these regulations and paragraphs (4) and (6) of that regulation shall apply to him as if he had made an election under paragraph (1) of that regulation.”

Insertion of Schedule to War Service Regulations

9. At the end of the War Service Regulations there shall be inserted the following Schedule—

“SCHEDULE

Regulation 12B

PART I

CALCULATION OF TRANSFER PAYMENT

A transfer payment shall be calculated in accordance with the formula

$(A \times B \times C) + D$

A is the period of additional contributing service calculated in accordance with the formula set out in regulation 12B(3);

B is the appropriate factor from the table in Part II of this Schedule in relation to the transferee's age and sex;

C is either

(a) in the case of an employed transferee his remuneration relevant to the participating scheme on 1st April 1978; or

(b) in the case of a transferee who is entitled to receive a pension, his pensionable remuneration relevant to the participating scheme on the day of retirement increased by the pensions increase factor appropriate on 1st April 1978;

D is the amount of compound interest calculated at the same rate in respect of such periods between 1st April 1978 and the day on which the transfer payment is made as would be applicable under the provisions of paragraph (1)(b) of Schedule 2 to the principal regulations.

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In this Part of this Schedule the pensions increase factor means the rate by which a pension was increased by virtue of orders made under s. 2 of the Pensions (Increase) Act 1971⁽⁵⁾

PART II
TRANSFER VALUES FOR THE TRANSFER OF
WAR SERVICE PER £1 OF SALARY PER ANNUM

<i>AGE ON 1.4.78</i>	<i>MEN</i>	<i>WOMEN</i>
40	0.1009	0.1328
41	0.1018	0.1344
42	0.1024	0.1357
43	0.1031	0.1372
44	0.1038	0.1389
45	0.1045	0.1405
46	0.1058	0.1422
47	0.1073	0.1437
48	0.1085	0.1454
49	0.1099	0.1470
50	0.1111	0.1487
51	0.1125	0.1502
52	0.1150	0.1525
53	0.1176	0.1548
54	0.1203	0.1571
55	0.1229	0.1599
56	0.1267	0.1628
57	0.1306	0.1663
58	0.1345	0.1707
59	0.1397	0.1759
60	0.1463	0.1810
61	0.1465	0.1818
62	0.1469	0.1825
63	0.1473	0.1833
64	0.1478	0.1840
65	0.1480	0.1844
66	0.1436	0.1800

(5) 1971 c. 56.

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<i>AGE ON 1.4.78</i>	<i>MEN</i>	<i>WOMEN</i>
67	0.1392	0.1756
68	0.1355	0.1713
69	0.1311	0.1669
70	0.1267	0.1625
71	0.1230	0.1575
72	0.1190	0.1519
73	0.1144	0.1463
74	0.1106	0.1406
75	0.1063	0.1350
76	0.1019	0.1294
77	0.0981	0.1238
78	0.0938	0.1181
79	0.0900	0.1131
80	0.0854	0.1088
81	0.0815	0.1044
82	0.0775	0.1006
83	0.0735	0.0969
84	0.0698	0.0931
85	0.0661	0.0894
86	0.0623	0.0856
87	0.0585	0.0825
88	0.0554	0.0794
89	0.0525	0.0769
90	0.0496	0.0744
91	0.0467	0.0719
92	0.0440	0.0694
93	0.0419	0.0669
94	0.0398	0.0644
95	0.0377	0.0625
96	0.0356	0.0600
97	0.0342	0.0581
98	0.0321	0.0556
99	0.0306	0.0531”

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Regulations having retrospective effect

10. Regulations 4 and 5 of these regulations shall have effect as from 17th July 1975.

11th December 1980

Patrick Jenkin
Secretary of State for Social Services

Consent of the Minister for the Civil Service given under her official seal on 15th December 1980.

L.S.

W. G. Bristow
Authorised by the Minister for the Civil Service

EXPLANATORY NOTE

These regulations amend the National Health Service (Superannuation) (War Service, etc.) Regulations 1977 which provide for the war service of certain members of the National Health Service superannuation scheme to count at half its length for the purpose of calculating superannuation benefits payable to or in respect of them.

A person who was unable to have his war service reckoned for benefit purposes because he transferred from the National Health Service superannuation scheme to certain other schemes before 17th July 1975, will, subject to certain conditions, be able to have his reckonable war service transferred to that scheme. Similarly a member of the National Health Service superannuation scheme may have his reckonable war service transferred from another scheme to the National Health Service superannuation scheme where a transfer payment is made to the Secretary of State (regulation 7).

Certain officers who were in public health service employment following war service but were previously excluded from the National Health Service (Superannuation) (War Service, etc.) Regulations 1977 may now make application under those regulations to have their war service reckon for benefit purposes (regulation 4).

Public Health Laboratory staff who were excluded from the provisions of regulation 13 of the National Health Service (Superannuation) (War Service, etc.) Regulations 1977 are now given the opportunity of purchasing back service credit in the National Health Service superannuation scheme (regulation 8).

In accordance with section 12(1) of the Superannuation Act 1972, regulations 4 and 5 will have retrospective effect as from 17th July 1975.