

1974. No. 93

[C]

**HEALTH SERVICES SUPERANNUATION**

REGULATIONS, DATED 30TH MAY 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES WITH THE CONSENT OF THE DEPARTMENT OF FINANCE UNDER ARTICLES 12 AND 14 OF THE SUPERANNUATION (NORTHERN IRELAND) ORDER 1972.

The Department of Health and Social Services, on behalf of the Secretary of State and in exercise of the powers conferred on it by Articles 12 and 14 of the Superannuation (Northern Ireland) Order 1972(a) and of every other power enabling it in that behalf, after consulting representatives of persons likely to be affected by these regulations, and with the consent of the Department of Finance, hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1974 and shall come into operation on 13th June 1974.

*Interpretation*

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

*Amendments*

3. For the heading to Part II of the principal regulations there shall be substituted the following heading—

“PROVISIONS RELATING TO OFFICERS EMPLOYED BY EMPLOYING AUTHORITIES AND OTHER OFFICERS ENGAGED IN HEALTH AND PERSONAL SOCIAL SERVICES”.

4. For the heading to Part III of the principal regulations there shall be substituted the following heading—

“PROVISIONS RELATING TO MEDICAL AND DENTAL PRACTITIONERS”.

5. In regulation 2(1) of the principal regulations (which defines expressions used therein)—

(a) after the definition of “the Act of 1971” there shall be inserted the following definition—

“ “the Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;”(c);

(b) in the definition of “the Belfast Corporation Superannuation Scheme” the word “former” shall be inserted after the word “the” where it appears for the second time in the first line of the definition;

(c) in the definition of “assistant practitioner” for the words “the Board” where they twice occur there shall be substituted the words “a Health and Social Services Board”;

(a) S.I. 1972, No. 1073 (N.I. 10).

(c) S.I. 1972, No. 1265 (N.I. 14).

(b) S.R. & O. (N.I.) 1962, No. 237.

(d) for the definition of "employing authority" there shall be substituted—  
 "employing authority" means a Health and Social Services Board, the Agency, the Staffs Council, the Northern Ireland Council for Nurses and Midwives and any such other body constituted under the Order as the Department may approve;"

(e) after the definition of "excepted officer" there shall be inserted—  
 "Health and Social Services Board" means such a Board established under the Order;"

(f) for the definition of "local authority" there shall be substituted—  
 "local authority" means a district council or a new town commission;"

(g) for the definition of "mental health officer" there shall be substituted—

"mental health officer" means a whole-time officer on the medical or nursing staff of a hospital used wholly or partly for the treatment of persons suffering from mental disorder who devotes the whole or substantially the whole of his time to the treatment or care of such persons, and any medical specialist who devotes substantially the whole of his time to the treatment or care of such persons, and, if the Department in a particular case so consents, any other officer who, having been a mental health officer, without a break in his service and without having become entitled to any benefit under these regulations, subsequently becomes employed in a part-time capacity in any employment as aforesaid, and such other classes or descriptions of officers employed in such hospitals as aforesaid as the Department may designate;"

(h) in the definition of "practitioner" for the words "the Board" there shall be substituted "a Health and Social Services Board";

(i) after the definition of "short service gratuity" there shall be inserted—  
 "specialist" means a Consultant, Senior Hospital Medical Officer or Senior Hospital Dental Officer;

"the Agency" means the Northern Ireland Central Services Agency for the Health and Social Services;

"the Authority" means the former Northern Ireland Hospitals Authority;

"the Staffs Council" means the Northern Ireland Staffs Council for the Health and Social Services;"

6. In regulation 4 of the principal regulations (application of the regulations) for paragraph (2) there shall be substituted the following—

"(2) Notwithstanding anything in paragraph (1), this part shall not apply to any officer of an employing authority to whom there became or becomes payable a pension under these or the previous regulations or an annual sum under regulations made under the Superannuation (Northern Ireland) Order 1973(d) if that pension or sum is not liable to be reduced or suspended in consequence of his employment under that authority:

Provided that this paragraph shall not apply to a transferred officer who immediately before transfer was in receipt of a pension payable under these or the previous regulations."

7. In regulation 7 of the principal regulations (officer's pension and retiring allowance)—

- (a) for the word "and" at the end of paragraph (1)(a)(iv) there shall be substituted the word "or";
- (b) at the end of paragraph (1)(a)(v) there shall be inserted the word "; and".

8. In regulation 16 of the principal regulations (reckoning as service of previous periods of employment) there shall be added after paragraph (4)—

"(5) Notwithstanding anything contained in this regulation in the case of a person transferred into the Health and Personal Social Services as a result of a new or reorganised administrative structure there may be paid to the Department in respect of that person a transfer value of an amount to be determined by the Government Actuary or such other arrangements as the Department of Finance may agree instead of a transfer value calculated in accordance with proviso (d) to paragraph (1). Any period of service represented by such amount or any period in respect of which such arrangements have been made shall be regarded as service for the purposes of this regulation provided that the service was reckonable for the purposes of the superannuation scheme associated with his previous employment."

9. In regulation 21 of the principal regulations (reckoning of previous employment as qualifying service in certain cases) for paragraph (1) there shall be substituted the following—

"21.—(1) In the case of—

- (a) a person who was transferred under the Act or the Order to the employment of an employing authority and who thereupon became an officer of that employing authority;
- (b) a person who entered the employment of an employing authority in consequence of the acquisition of premises by the Authority under section 67 of the Act, having been employed solely or mainly at or for the purposes of the said premises immediately prior to their acquisition, and who thereupon became an officer of that employing authority; or
- (c) a person who being a consultant solely or mainly employed immediately prior to the appointed day at or for the purposes of a hospital transferred to the Authority under section 23 of the Act, entered employment on the appointed day as an officer of an employing authority,

there shall be reckonable as service in relation to any such employment as is mentioned in paragraph (2), for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating any benefit to which he may become entitled, all periods of employment, not otherwise reckonable as service, after he attained the age of eighteen years, under any authority or body from which functions were transferred by the Act, the Order, or under an officer of such an authority or body or at or for the purposes of premises which have been transferred to or acquired by the Authority under the Act, and, if he left any such employment as aforesaid in order to undertake war service or, if immediately after leaving that employment he became engaged in national service, and within six months after the termination of that service returned to any such employment as aforesaid or entered the

employment of an employing authority in circumstances in which regulation 74 or the corresponding provision of the previous regulations applied, there shall also be reckonable as service for the purpose aforesaid the period of that war service or national service:

Provided that where a benefit becomes payable to or in respect of a person to whom this paragraph applies in consequence of the acquisition of premises by the Authority under section 67 of the Act on or after the first day of July, 1954, and the amount of that benefit falls to be calculated by reference to any provision of these regulations prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him, then, if the period of service reckonable by the person is less than any minimum period of qualifying service prescribed for the receipt of the said benefit, the amount of the said benefit, in so far as it is obtained by reference to the said provision, shall be the amount which bears the same proportion to the sum otherwise payable as the period of service so reckonable bears to the minimum period of qualifying service."

**10.** In regulation 32 of the principal regulations (reduction of pension or injury allowance in certain cases) after paragraph (1) there shall be added the following proviso—

"Provided that this paragraph shall not apply to a pension payable to a person immediately before he was transferred to the employment of an employing authority under Article 77 of the Order."

**11.** In regulation 36 of the principal regulations (option to transferred officers to retain rights corresponding to those enjoyed prior to transfer)—

(1) after paragraph 1(A) there shall be added—

"(1B) Where a person, on being transferred under the Order, becomes an officer in the employment of a Health and Social Services Board, the Northern Ireland Central Services Agency or the Northern Ireland Staffs Council, and who immediately before becoming such an officer was subject to the provisions of—

- (a) the Act of 1865;
- (b) the Act of 1869;
- (c) the Act of 1943;
- (d) the Federated Superannuation Scheme for Nurses and Hospital Officers;
- (e) the Local Government Superannuation Regulations;
- or
- (f) any other scheme which the Department, with the consent of the body administering the scheme, may approve;

then, if he notifies the employing authority in writing within three months of becoming an officer or within such longer period as the Department may in any particular case allow, that he does not wish to avail himself of the benefits provided by these regulations, the provisions of this part of these regulations shall apply to and in respect of him, as if, in relation to his employment as such officer, they required him to make the like contributions (if any) as he would have been liable to make and conferred upon him rights corresponding with those which he would have enjoyed if he

had remained subject to the enactment or scheme previously applicable in his case, and those provisions shall continue so to apply to and in respect of him so long as he is an officer of any employing authority without a break in employment of twelve months or more and without having become entitled during any break in employment to participate in superannuation benefits by virtue of employment otherwise than under an employing authority:

Provided that—

- (a) if a person (other than a mental health officer) who has exercised the said option to retain rights corresponding with those enjoyed under any enactment or scheme at any time becomes a mental health officer, he may within one month, or such longer period as the Department may in any particular case allow, after becoming such an officer, notify the employing authority in writing that he wishes to avail himself of the benefits provided by these regulations in lieu of the rights to which he is entitled, and if the Department so approves, the option shall cease to have effect from such date as it may direct;
  - (b) the provisions of this paragraph shall apply to an officer who attains pensionable age within three years after being transferred under the Order as if on becoming an officer he had exercised the option thereby conferred to retain rights corresponding with those enjoyed by him prior to transfer.”;
- (2) in proviso (b) to paragraph (1) after the words “shall cease to have effect” there shall be inserted the words “unless in the case of an officer so employed as a result of being transferred under Article 77 of the Order the Department directs otherwise”.

12. In regulation 37 of the principal regulations (benefits of officers who did not exercise option to retain previous rights)—

- (a) after paragraph (1) there shall be added the following proviso—  
“Provided that this paragraph shall not apply to any person who, immediately before he first became an officer was subject to an enactment or scheme which included a title to a death gratuity among its benefits.”;
- (b) after paragraph (2) there shall be added—  
“(2A) The provisions of this regulation shall also apply to an officer who was transferred to the Health and Personal Social Services in consequence of Article 77 of the Order if immediately before transfer he enjoyed rights conferred by regulation 43 of the Local Government (Superannuation) Regulations (Northern Ireland) 1962.”(e);
- (c) in paragraph 3(b) for the words “paragraph (2)” there shall be substituted the words “paragraph (2) or (2A)” and after the words “in the said paragraph (2)” there shall be inserted the words “or (2A)”.

13. In regulation 38 of the principal regulations (persons subject to non-statutory superannuation schemes and arrangements) after the words “of the Act” in paragraph (4) there shall be added “or a person transferred under Article 77 of the Order”.

14. Regulation 54 of the principal regulations (meaning of remuneration) shall be amended as follows:—

(1) In paragraph (2)—

- (a) sub-paragraph (ii) shall be deleted and sub-paragraphs (iii) and (iv) renumbered (ii) and (iii);
- (b) for the words “hospital management committee” where they appear in sub-paragraph (iii) (as renumbered) there shall be substituted the words “a Health and Social Services Board”.

(2) In paragraph (2)—

- (a) in sub-paragraph (i) for the words “by the Board” there shall be substituted “by or on behalf of a Health and Social Services Board”;
- (b) in proviso (b)(iii) for the words “the Board” there shall be substituted “the former Northern Ireland General Health Services Board”;
- (c) in proviso (e) for the words “by the Board” there shall be substituted “by or on behalf of a Health and Social Services Board”.

15. In paragraph (b) of regulation 63 of the principal regulations (further modifications with respect to assistant practitioners) for the word “Board” there shall be substituted “Agency”.

16. In paragraph 2(2)(c) of the eighth schedule to the principal regulations (part-time employments)—

- (a) in proviso (i) the word “and” shall be deleted;
- (b) in proviso (ii) for the word “schedule” there shall be substituted the words “schedule; and”, and
- (c) after proviso (ii) there shall be added the following proviso—
  - “(iii) an officer shall be deemed to have made an election taking effect as from 1st October 1973 if he was transferred as a part-time officer in consequence of Article 77 of the Order and was in superannuable part-time employment at 30th September 1973.”

#### Revocation

17. Regulation 66 of the principal regulations is hereby revoked.

18. For the words “the Board” where they appear in the following regulations there shall be substituted the words “a Health and Social Services Board”;

regulation 52

53(1)

53(2)

53(3)

53(4)

54(2) proviso (a) where it occurs four times

54(2) proviso (b)(i) where it occurs four times

54(2) proviso (b)(ii) where it occurs four times

54(2) proviso (b)(iv) where it twice occurs

54(4)(a)

54(4)(b) where it twice occurs

54(6)

54(7) where it twice occurs.

19. The amendments shall have effect from 1st October 1973.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland this 30th day of May 1974.

(L.S.)

*F. A. Elliott,*  
Assistant Secretary.

The Department of Finance hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance for Northern Ireland this 30th day of May 1974.

(L.S.)

*C. F. Darling,*  
Assistant Secretary.

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations further amend the Health Services (Superannuation) Regulations (Northern Ireland) 1962 which provide for the superannuation of persons engaged in the Health Services (except employees of local health or welfare authorities).

The main changes are—

- (a) Local authority employees transferred to employment in the Health and Personal Social Services under the Health and Personal Social Services (Northern Ireland) Order 1972 will have their accrued superannuation rights automatically transferred to the Health Services superannuation scheme. Transferred employees will retain any existing rights to an enhanced lump sum retiring allowance under Local Government regulations and will also have the right to remain subject to the superannuation terms and conditions which they enjoyed immediately prior to transfer (regulations 8, 11 and 12).
- (b) Local authority employees who are in receipt of pensions payable under the Health Services (Superannuation) Regulations by reason of previous employment in the Health Services, and who are transferred to the Health Services under the Health and Personal Social Services (Northern Ireland) Order 1972 will not have their pensions reduced in respect of their earnings in the Health Services and will be able to contribute to the Health Services scheme provided they are otherwise eligible (regulations 6 and 10).
- (c) Various amendments have been made in the text of the Regulations to accord with the text of the Health and Personal Social Services (Northern Ireland) Order 1972 (regulations 14 and 15).