

1983 No. 152

HEALTH AND PERSONAL SOCIAL SERVICES

The Health Services (Superannuation) (Amendment) Regulations
(Northern Ireland) 1983

Made 16th June 1983

Coming into operation 29th July 1983

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

Citation and commencement

1. These regulations may be cited as the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation on 29th July 1983.

Interpretation

2. In these regulations “the principal regulations” means the Health Services (Superannuation) Regulations (Northern Ireland) 1962(c).

Amendment of regulation 2 of the principal regulations

3. In regulation 2 of the principal regulations (interpretation)—

(a) in the definition of “remuneration” after the words “payments for overtime” there shall be inserted the words “, payments made in respect of a temporary additional session,”;

(b) in the definition of “service”, after paragraph (b), there shall be inserted the word “or” and the following paragraph—

“(c) any period of employment in respect of a temporary additional session;”;

(c) after the definition of “statutory scheme” there shall be inserted the following definition—

““temporary additional session” means a session equivalent to an extra notional half-day which a specialist or an officer appointed to a post in the grade of associate specialist has, in exceptional circumstances, undertaken to work which does not form part of his normal contractual duties;”.

Amendment of regulation 7 of the principal regulations

4. Regulation 7 of the principal regulations (officer’s pension and retiring allowance) shall be amended as follows—

(a) in paragraph (1) at the end of sub-paragraph (a)(vi) for the word “and” there shall be substituted the word “or” and after that sub-paragraph there shall be inserted the following sub-paragraph—

(a) S.I. 1972/1073 (N.I. 10)

(b) Formerly the Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3

(c) S.R. & O. (N.I.) 1962 No. 237 as amended by S.R. & O. (N.I.) 1967 No. 55; 1971 No. 352; 1972 No. 343; 1973 Nos. 101, 201 and 360; S.R. 1974 Nos. 93, 248 and 327; 1976 No. 46 and 1978 No. 301

- “(vii) he has attained the age of 50 years and completed 5 years’ service and the conditions prescribed in paragraph (7) are applicable in his case; and”;
- (b) in paragraph (6)(a) for the words “paragraph (1)(a)(v)” there shall be substituted the words “paragraph (1)(a)(vii)”;
- (c) after paragraph (6) there shall be inserted the following paragraph—

“(7) For the purposes of paragraph (1)(a)(vii) the prescribed conditions are that the Department has certified that the officer’s retirement is by reason of redundancy or is in the interests of the efficiency of the service in which he is employed.”.

Amendment of regulation 12 of the principal regulations

5. In regulation 12 of the principal regulations (death gratuity), in paragraph (1)(c), after the word “regulation” there shall be inserted “7(1)(a)(iii) or”.

Amendment of regulation 17 of the principal regulations

6. In regulation 17(2) of the principal regulations (intervals in service due to illness or injury)—

- (a) at the end of proviso (i) the word “and” shall be deleted;
- (b) at the end of proviso (ii) for the full-stop there shall be substituted “; and”.

Amendment of regulation 30 of the principal regulations

7. In regulation 30 of the principal regulations (return of contributions) in paragraph (4) after the words “on ceasing to be an officer” there shall be inserted “before 6th April 1980,”.

Amendment of regulation 32 of the principal regulations

8. In regulation 32 of the principal regulations (reduction of pension in certain cases) for the proviso to paragraph (4)(e) there shall be substituted the following provisos—

“Provided that—

- (1) such pre-retirement earnings shall be increased by the annual rate of remuneration of any continuing employment;
- (2) for the purpose of sub-paragraph (e)(ii), proviso (j) of regulation 29(1) shall not be applicable in the calculation of the average remuneration.”.

Amendment of regulation 36 of the principal regulations

9. In regulation 36(4) of the principal regulations (benefits of officers who have exercised option to retain rights corresponding with those previously enjoyed)—

- (a) for sub-paragraph (d) there shall be substituted the following sub-paragraphs—

“(d) where any benefit payable to or in respect of an officer to whom this regulation applies is calculated by reference to the annual average of his remuneration over a final period of his service, regulation 28(2) shall, except where the enactment or scheme applicable in his case contains a corresponding provision, apply in respect of any part of a year of his service;

(dd) where such a benefit as is referred to in sub-paragraph (d) becomes payable on or after 29th July 1983 the annual average of the officer’s remuneration over a final period of his service shall be uprated to equal his remuneration as ascertained under the provision of the enactment or scheme applicable in his case in respect of his final year of paid employment which reckons for the calculation of benefit in accordance with sub-paragraph (d);

Provided that—

- (i) the provisions contained in provisos (a) and (j) to regulation 29(1) shall be applicable in determining the officer's remuneration in respect of his final year of paid employment;
- (ii) where a person ceased to be an officer to whom this regulation applies before 29th July 1983 the benefit shall be uprated by such a factor as in the opinion of the Department represents the upward movement (if any) in the cost of living from the mid-point of the final period of his service to a point 6 months before the end of that period;";
- (b) in sub-paragraphs (e)(i) and (ii) and paragraph (i) of the proviso for the words "(uprated in accordance with sub-paragraph (d))" there shall be substituted the words "(calculated by reference to remuneration uprated in accordance with sub-paragraph (dd))";
- (c) in sub-paragraph (e)(i) and paragraph (i) of the proviso for the words "so uprated" there shall be substituted the words "so calculated";
- (d) in sub-paragraph (f) for the words ", and in the application of regulation 32" onwards there shall be substituted the words "as if the reference in paragraph 4(e)(ii) of regulation 32 to average remuneration were a reference to average remuneration uprated in accordance with sub-paragraph (dd) except that proviso (j) to regulation 29(1), which would otherwise apply by virtue of proviso (i) to sub-paragraph (dd), shall not apply in relation to such employment which commenced, or which by virtue of regulation 32(3)(b) is deemed to have commenced on or after 29th July 1983;";
- (e) in sub-paragraph (i) after the words "this regulation applies" there shall be inserted the words "or a person to whom proviso (ii) to sub-paragraph (dd) applies,";

Amendment of regulation 64 of the principal regulations

10. In regulation 64 of the principal regulations (modifications relating to certain part-time specialists)—

- (a) in paragraph (2) after the words "part-time employment" there shall be inserted "before 1st January 1980" and after the words "provisions of the Order," there shall be inserted the words "any period of employment as a maximum part-time specialist,";
- (b) after paragraph (2) there shall be inserted the following paragraph—

"(3) In this regulation "maximum part-time specialist" means—

 - (a) a specialist appointed to a whole-time specialist post who is paid 10/11ths of the remuneration which he would have received if he had been employed whole-time; or
 - (b) a specialist appointed to a whole-time specialist post before 1st January 1980 who retains the right to which he was entitled on 31st December 1979 to be paid 9/11ths of the remuneration which he would have received if he had been employed whole-time."

Amendment of regulation 70 of the principal regulations

11. In paragraph (1) of regulation 70 of the principal regulations (rights on transfer to other employment) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

- "(c)(i) no benefit under these regulations has been paid to him in respect of his old employment (except for a return of contributions in a case to which sub-paragraph (d) applies); or

(ii) he has ceased to be employed in the circumstances mentioned in regulation 7(7) and has repaid to the Department any sums paid to him on account of benefit under these or the previous regulations;”.

Retrospective effect of regulations

12.—(1) Regulations 4 and 11 shall have effect as from 1st April 1983.

(2) Regulation 7 shall have effect as from 6th April 1980.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 16th June 1983.

(L.S.)

W. Young

Assistant Secretary

The Department of Finance and Personnel for Northern Ireland hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 16th June 1983.

(L.S.)

J. B. Forsythe

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations amend the Health Services (Superannuation) Regulations (Northern Ireland) 1962 which provide for the superannuation of persons engaged in the Health and Personal Social Services.

Regulations 3 and 10 contain amendments to take account of the changes brought about by the introduction of new terms and conditions of service of consultants and other senior hospital medical and dental staff. Regulation 9 provides for the benefits of certain officers who have chosen to remain subject to the terms of certain superannuation schemes instead of participating in the Health and Personal Social Services Superannuation Scheme established by the regulations to be uprated in accordance with a new formula. This formula ensures that those benefits are more closely related to those payable under the Health and Personal Social Services Superannuation Scheme. The benefits payable to former officers who retired or who elected not to remain subject to one of the other superannuation schemes before the coming into operation of these regulations are not affected.

Provision is made by the amendments contained in regulations 4 and 11—

- (a) for paying immediate benefit to officers of employing authorities who are prematurely retired by reason of redundancy or in the interests of the service in which they are employed, and
- (b) for making a transfer payment in respect of any such officer who, within a certain period, takes up new employment in which he participates in an approved superannuation scheme and has repaid to the Department any sums received by him on account of benefit under the regulations.

Regulation 7 removes the existing restriction on a refund of contributions to a person whose salary exceeds £5,000 in any financial year and whose service terminates on or after 6th April 1980.

Some minor amendments of the superannuation regulations are also made.

In accordance with Article 14(1) of the Superannuation (Northern Ireland) Order 1972 regulations 4 and 11 shall have retrospective effect as from 1st April 1983 and regulation 7 as from 6th April 1980.