

## 1983 No. 178

**HEALTH AND PERSONAL SOCIAL SERVICES****The Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland) 1983**

*Made* . . . . . 7th July 1983

*Coming into operation* . . . . . 12th August 1983

The Department of Health and Social Services, in exercise of powers conferred by Articles 12 and 14 of, and Schedule 3 to, 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 for Northern Ireland(b), hereby makes the following regulations.

*Citation and commencement*

1. These regulations may be cited as the Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland) 1983 and shall come into operation on 12th August 1983.

*Interpretation*

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

*Amendment to regulation 2 of the principal regulations (Interpretation)*

3. In regulation 2 of the principal regulations—

- (a) in the definition of "added years" for the word "years" where it occurs there shall be substituted the word "periods";
- (b) after the definition of "average remuneration" there shall be inserted the following definition—

““Community institution” means any institution of the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community or common to those Communities;”.

*Officer's pension and retiring allowance*

4. In regulation 7 of the principal regulations in paragraph (1)(a)(iii) for the words "the Commission of the European Community" there shall be substituted the words "a Community institution".

*Scales of pension and retiring allowance*

5. In regulation 8 of the principal regulations in paragraph (7) for the words "proviso (ii)" there shall be substituted the words "proviso (iii)".

(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; 1978 No. 301 and 1983 No. 152

*Death gratuity*

6. In regulation 12 of the principal regulations in paragraph (3) for the words "regulation 22C(3)" there shall be substituted the words "regulation 22C(11)".

*Widow's pension*

7. In regulation 13 of the principal regulations—

(a) after paragraph (1) there shall be inserted the following paragraph—

"(1A) Where a widow is entitled to receive a widow's pension of the amount specified in proviso (v) to paragraph (3) and her marriage with such a person as is mentioned in paragraph (1) took place after her late husband had become entitled to receive payment of a pension under these or the previous regulations the widow shall also be entitled to a widow's pension under paragraph (4) at the rate specified in paragraph 4(a).";

(b) at the beginning of paragraph (4) for the words "For the first 3 months" until the words "at the date of his death" where it first occurs shall be substituted the words "The widow's pension payable for the first three months following the date of death of her late husband or, if the date of her late husband's death occurs on or after 11th January 1983 and she has one or more than one child dependent on her at that date, for the first six months following that date, shall be, if, at the date of his death—";

(c) after paragraph (7) there shall be inserted the following paragraph—

"(8) For the purposes of this regulation "child" has the meaning given by regulation 13A(4)(a).".

*Child's allowance*

8.—(1) In regulation 13A(2) of the principal regulations—

(a) in sub-paragraph (a) the words "being in either case a person who had completed not less than 5 years' service," shall be omitted;

(b) in sub-paragraph (b)(i) for the figure "16" in both places where it occurs there shall be substituted the figure "17";

(c) in sub-paragraph (b)(ii) for the semi-colon there shall be substituted a full stop;

(d) the proviso shall be omitted.

(2) In the Seventh Schedule to the principal regulations—

(a) in paragraph 1—

(i) the words "then, subject to the provisions of regulation 13C(4)," shall be omitted, after the words "the parent" there shall be inserted the words "or, if the death of the parent occurs on or after 11th January 1983 and the parent has one or more than one child dependent on him at that date, for the first 6 months following that date," and for the words "that period" and "the period" there shall be substituted the words "the period of 3 months or 6 months, as the case may be";

(ii) in the proviso, after the words "under this paragraph" there shall be inserted the words "in respect of an eligible child, dependent on the widow or widower," and after the words "regulation 13(4)" there shall be inserted the words "or regulation 13B(2)";

(b) in paragraph 2—

(i) the words "and of regulation 13C(4)" shall be omitted and for the words "paragraph 1" there shall be substituted the words "paragraphs 1 and 1A and under regulation 13(2)";

(ii) at the end of sub-paragraph (i) the word "and" shall be omitted;

- (iii) at the end of sub-paragraph (ii) for the full stop there shall be substituted “, and”;
- (iv) after sub-paragraph (ii) there shall be inserted the following sub-paragraph—
  - “(iii) the pension of a person will be deemed to have been calculated on not less than 10 years’ service provided that the enhanced reckonable service does not exceed what would have been the reckonable service if the officer had continued to be employed until the age of 65 years.”;
- (c) after paragraph 1 there shall be inserted the following paragraph—

“1A. Where an officer or person entitled to a pension under these or the previous regulations dies, leaving an eligible child not dependent on the widow or widower who is entitled to a widow’s or widower’s pension at the rate specified in regulation 13(4) or regulation 13B(2), there shall be payable in respect of that child for the first 3 months following the death of the parent, or if the child was born within that period, the remainder of that period, a child’s allowance at the rate specified in paragraph 1.”

#### *Pensions of limited duration*

9. In regulation 13B of the principal regulations—

- (a) in paragraph (2) for the words “regulations 13C and 13D” there shall be substituted the words “regulation 13D”;
- (b) in paragraph (3)(a)(i) for the figure “16” in both places where it occurs there shall be substituted the figure “17”;
- (c) in paragraph (4)—
  - (i) at the end of sub-paragraph (a) there shall be inserted the word “or”;
  - (ii) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
    - “(b) 6 months if the date of death of the officer occurs on or after 11th January 1983 and there is one or more than one dependent child dependent on the officer’s widow on that date.”;
  - (iii) sub-paragraph (c) and the word “or” immediately preceding that sub-paragraph shall be omitted.

#### *Power to compound small benefits*

10. In regulation 14 of the principal regulations in paragraph (1) for the words “less than £39” there shall be substituted the words “less than £78”.

#### *Guaranteed minimum pension under the Pensions Order*

11. In regulation 14A(3) of the principal regulations for sub-paragraph (c) there shall be substituted the following sub-paragraph—

- “(c) where the Department has discharged its liability by payment under—
  - (i) regulation 14; or
  - (ii) regulation 70 except that, notwithstanding the transfer payment, a guaranteed minimum pension may become payable following a transfer to a superannuation scheme established for the staff of a Community institution and approved by the Occupational Pensions Board established by section 66 of the Social Security Act 1973(a) and the Board of Inland Revenue for the purpose of this regulation.”

*Reckoning as service of previous periods of employment*

12. In regulation 16 of the principal regulations in paragraph (1)(b) after the words "regulation 30(3)," there shall be inserted the words "except that, notwithstanding this paragraph, service which on leaving previous employment as an officer was reckonable under regulation 30(5) (a) or (b), together with any associated service to which regulation 28(1)(a) applies, will remain reckonable in relation to his employment as an officer,".

*Intervals in service due to illness or injury*

13. In regulation 17 of the principal regulations in paragraph (1)—

- (a) after the words "purposes of regulations" there shall be inserted the words "4(1) proviso (ii)";
- (b) the reference to regulation 13C shall be omitted.

*Purchase of added years of contributing service*

14.—(1) For regulation 22A of the principal regulations there shall be substituted the following regulation—

*"Purchase of added years of contributing service*

22A.—(1) Subject to the following provisions of this regulation an officer may, on giving written notice to his employing authority, elect—

- (a) within 12 months of
  - (i) first becoming an officer, or
  - (ii) becoming an officer without being able to reckon as service a previous period of employment as an officer,
 to make a payment in accordance with the provisions of paragraph 1 of the Ninth Schedule; or
- (b) where at least two years will elapse between the date of his next birthday following the material date and his date of intended retirement, to make payments in accordance with paragraph 2 of the Ninth Schedule;

and if he so elects and makes payments in accordance with the provisions of the Ninth Schedule which apply to him there shall be added to his contributing service a further period of service determined in accordance with this regulation and that Schedule.

(2) Notwithstanding the provisions of paragraph (1) an officer may, if his last birthday or his birthday prior to his last birthday occurred during the period beginning with 1st May 1982 and ending with 31st October 1983, elect on giving written notice to his employing authority on or before 31st October 1983 to make payments under paragraph (1)(b) as if the notice had been received by his employing authority either on the day before his last birthday or the day before his birthday prior to his last birthday.

(3) Where an officer to whom paragraph (2) relates has given notice in accordance with that paragraph he shall on or before the expiration of three months beginning with the date of receipt of such notice by his employing authority make a single payment equal to the total amount of the payments which would have been payable by him if his election had been made on the day before his last birthday or the day before his birthday prior to his last birthday as the case may be and if he does not make such a payment before the expiration of that period his election shall cease to have effect.

(4) An officer may not elect to make payments under this regulation—

- (a) during a period of absence from duty without leave or a period of leave of

absence from duty on account of sickness or a period of leave of absence from duty without remuneration or with reduced remuneration, or

- (b) if he has become entitled to receive payment of benefits under regulation 7(1)(a)(ii), (iii) or (iv).

(5) If an officer who has elected under paragraph (1)(a) to make a single payment ceases to be an officer during the period mentioned in paragraph 7(3)(a)(ii) or 7(3)(b)(ii) of the Ninth Schedule (otherwise than by virtue of regulation 17(1)) his election under paragraph (1)(a) shall be cancelled.

(6) An officer who elects to make payments under paragraph (1)(b) shall at the time of giving notice of his election provide a statement in writing signed by him that he knows of no reason why his health should prevent him from completing the payments required. If within 12 months of commencing payments under paragraph (1)(b) such an officer dies or makes application for the payment of an annual pension under regulation 7(1)(a)(i) which subsequently becomes payable, on the happening of such an event the election made by the officer shall cease to have effect and any payments made by him pursuant to such election shall be refunded:

Provided that where the Department is charged to income tax on any amount refunded under this paragraph, the sum payable by it under this paragraph shall be reduced by an amount equal to that tax.

(7) An officer who makes an election under paragraph (1)(a)(ii) or (1)(b) in circumstances in which a previous period of employment which was reckonable as service under these or the previous regulations, or under a health service scheme, in respect of which no transfer payment or any benefit except a return of contributions has been paid, is no longer reckonable may request that his election apply to the whole or any part of such service, not being service in contracted-out employment, and the sum payable by him in respect of such service shall be one-half of the appropriate amount calculated in accordance with the Ninth Schedule.

(8) Where an officer has completed payments in accordance with the provisions of the Ninth Schedule which apply to him by virtue of paragraph (1)(a) or (b), the additional service so purchased shall be added to his contributing service:

Provided that in the case of an officer in part-time employment the service added to his contributing service shall be the proportion that the number of hours, half-days or sessions which he was required to work under his contract of employment bears to the number of hours, half-days or sessions which would have constituted whole-time service for the employment in question, during the period specified in—

- (i) paragraph 7(3)(a) of the Ninth Schedule where the election was made under paragraph (1)(a); or
- (ii) paragraph 2 of the Ninth Schedule where the election was made under paragraph (1)(b).

(9) In the case of a practitioner who has made payment in accordance with the provisions of the Ninth Schedule which apply to him by virtue of paragraph (1)(a) in respect of each year added to his contributing service by virtue of paragraph (8) there shall be added to his remuneration for the financial year in which the material date falls, the remuneration in respect of which a payment under paragraph (1)(a) was calculated, and a proportionate part of such remuneration shall be added in respect of any part of a year.

(10) In the case of a practitioner who has made payments in accordance with the provisions of the Ninth Schedule which apply to him by virtue of paragraph (1)(b), in respect of each year added to his contributing service by virtue of

paragraph (8) there shall be added to his remuneration for the financial year in which he reached his date of intended retirement, the annual average of his total uprated remuneration, uprated in accordance with regulation 56(2)(a), during the period for which contributions were paid, and a proportionate part of such remuneration shall be added in respect of any part of a year.

(11) Where an officer has ceased to make payments in accordance with the provisions of the Ninth Schedule which apply to him by virtue of paragraph (1)(b) before he has made all the payments which he is liable to pay and at least one payment has been made by him—

- (a) subject to paragraph (6), if he has not attained the age of 60, and has become entitled to a pension under regulation 7(1)(a)(i) or dies while he is still an officer, any payments which he was liable to pay shall be deemed to have been paid by him and for the purpose of crediting additional service he shall be deemed to have continued in the same employment until his date of intended retirement;
- (b) if he is in receipt of a pension under regulation 7(1)(a)(i) and he again becomes an officer before his date of intended retirement his election under paragraph (1)(b) shall continue to have effect and notwithstanding sub-paragraph (a) he shall be liable to make payments in accordance with the provisions of the Ninth Schedule from the date he again became an officer;
- (c) if he ceases to be an officer in circumstances other than those mentioned in sub-paragraph (a) or is absent from duty without leave, or is such an officer as is described in regulation 6(4)(c)(i) then, subject to regulation 23, there shall be added to his contributing service a period of service determined in accordance with the formula

$$\frac{L \times P}{S}$$

where—

L is the length of the period in respect of which additional contributions have been paid;

P is the length of the period of additional contributing service in respect of which he elected to pay additional contributions; and

S is the length of the period in respect of which additional contributions should have been paid in accordance with his election under paragraph (1)(b);

- (d) if sub-paragraph (c) has applied to him and he again becomes an officer within 12 months after the date he ceased to be an officer in circumstances in which his previous service is reckonable as contributing service, his election under paragraph (1)(b) shall continue to have effect;
- (e) in the case of an officer in part-time employment the service added in accordance with sub-paragraph (a) or (c) to his contributing service shall be the proportion that the number of hours, half-days or sessions which he was required to work under his contract of employment bears to the number of hours, half-days or sessions which would have constituted whole-time service for the employment in question during the period for which payments were made or were deemed to have been made.

(12) Where benefits under these regulations become payable to or in respect of an officer on a date earlier than his date of intended retirement, there shall be deducted from the period of contributing service determined in accordance with paragraph (11)(c) and, where applicable paragraph (11)(e), such a period as may

be determined by the Government Actuary to allow for such earlier payment of benefits.

(13) In the case of a practitioner, in respect of each year that is added to his contributing service by virtue of paragraph (11) reduced in accordance with paragraph (12) where appropriate there shall be added to his remuneration for the financial year in which employment terminated, the annual average of his total-uprated remuneration, uprated in accordance with regulation 56(2)(a), during the period for which contributions were paid, and a proportionate part of such remuneration shall be added in respect of any part of a year.

(14) In this regulation—

“material date” has the meaning assigned by paragraph 3 of the Ninth Schedule; and

“date of intended retirement” has the meaning assigned by paragraph 8 of the Ninth Schedule.”

(2) For the Ninth Schedule to the principal regulations there shall be substituted the Ninth Schedule set out in Schedule 1 to these regulations.

#### *Application of regulations 3, 14 and 19*

15. Regulations 3, 14 and 19 shall not have effect in relation to an election made by an officer under regulation 22A of the principal regulations before the coming into operation of these regulations in respect of such an election and the provisions of the principal regulations as originally made shall continue to apply to such an officer in respect of such an election as if these regulations had not been made.

#### *Additional payments to reckon certain periods of service as contributing service at actual length*

16. In regulation 22B of the principal regulations—

(a) in paragraph (3)(c) the words “in accordance with the provisions of the Ninth Schedule” shall be omitted;

(b) in paragraph (4)—

(i) at the end of sub-paragraph (a) the word “and” shall be omitted;

(ii) for the full stop at the end of sub-paragraph (b) there shall be substituted the words “; and”;

(iii) after sub-paragraph (b) there shall be added the following sub-paragraph—

“(c) “Ninth Schedule” means the Ninth Schedule to the Health Services (Superannuation) Regulations (Northern Ireland) 1962 as originally made.”

#### *Purchase of unreduced retiring allowance*

17:—(1) For regulation 22C of the principal regulations there shall be substituted the following regulation—

##### *“Purchase of unreduced retiring allowance*

22C.—(1) Subject to the following provisions of this regulation, where either proviso (a) or (b) to regulation 8(3) applies to the calculation of an officer’s retiring allowance, he may on giving written notice to his employing authority elect—

(a) within 12 months of

(i) making a nomination under regulation 13D, or

(ii) in the case of a male officer who marries after 11th August 1983 and whose retiring allowance thereby falls to be calculated in accordance

with proviso (a) to regulation 8(3), the first date on which he is an officer after so marrying, to make a payment in accordance with the provisions of paragraph 1 of the Tenth Schedule; or

- (b) where at least two years will elapse between the date of his next birthday following the material date and his date of intended retirement, to make payments in accordance with paragraph 2 of the Tenth Schedule;

in respect of the whole or any part of his contributing service before 25th March 1972, so that the retiring allowance to which he may become entitled in respect of such contributing service shall, on completion of such payment be a sum equal to three times the annual amount of his pension (as calculated under regulations 8 and 56) in respect of that service and for the purpose of calculating the payment required under this regulation any period of service which is reckonable at greater than its actual length by virtue of regulation 43 shall be reckonable at that greater length.

(2) Notwithstanding the provisions of paragraph (1) an officer may, if his last birthday or his birthday prior to his last birthday occurred during the period beginning with 1st May 1982 and ending with 31st October 1983, elect on giving written notice to his employing authority on or before 31st October 1983 to make payments under paragraph (1)(b) as if the notice had been received by his employing authority either on the day before his last birthday or the day before his birthday prior to his last birthday.

(3) Where an officer to whom paragraph (2) relates has given notice in accordance with that paragraph he shall on or before the expiration of three months beginning with the date of receipt of such notice by his employing authority make a single payment equal to the total amount of the payments which would have been payable by him if his election had been made on the day before his last birthday or the day before his birthday prior to his last birthday as the case may be and if he does not make such a payment before the expiration of that period his election shall cease to have effect.

(4) An officer may not elect to make payments under this regulation—

- (a) during a period of absence from duty without leave or a period of leave of absence from duty on account of sickness or a period of leave of absence from duty without remuneration or with reduced remuneration, or  
(b) in respect of any service before 25th March 1972 for which he has become entitled to receive payment of a retiring allowance.

(5) If an officer who has elected under paragraph (1)(a) to make a single payment ceases to be an officer during the period mentioned in paragraph 4(3)(a)(ii) or 4(3)(b)(ii) of the Tenth Schedule (otherwise than by virtue of regulation 17(1)) his election under paragraph (1)(a) shall cease to have effect.

(6) An officer who elects to make payments under paragraph (1)(b) shall at the time of giving notice of his election provide a statement in writing signed by him that he knows of no reason why his health should prevent him from completing the payments required. If within 12 months of commencing payments under paragraph (1)(b) such an officer dies or makes application for the payment of an annual pension under regulation 7(1)(a)(i) which subsequently becomes payable, on the happening of such an event the election made by the officer shall cease to have effect and any payments made by him pursuant to such election shall be refunded:

Provided that where the Department is charged to income tax on any amount refunded under this paragraph, the sum payable by it under this paragraph shall be reduced by an amount equal to that tax.

(7) Where an officer in part-time employment has completed payment in accordance with the provisions of the Tenth Schedule which apply to him by

virtue of sub-paragraph (a) or (b) of paragraph (1) the provisions of that paragraph shall apply only to that proportion of the contributing service in respect of which he has made payment as the number of hours, half-days or sessions which he was required to work under his contract of employment bears to the number of hours, half-days or sessions which would have constituted whole-time service for the employment in question during the period specified in—

- (a) paragraph 4(3)(a) of the Tenth Schedule where the election was made under paragraph (1)(a); or
- (b) paragraph 2 of the Tenth Schedule where the election was made under paragraph (1)(b).

(8) Where an officer has ceased to make payments in accordance with the provisions of the Tenth Schedule which apply to him by virtue of paragraph (1)(b) before he has made all the payments which he is liable to pay and at least one payment has been made by him—

- (a) subject to paragraph (6), if he has not attained the age of 60, and has become entitled to a pension under regulation 7(1)(a)(i) or dies while he is still an officer, any payments which he was liable to pay shall be deemed to have been paid by him and he shall be deemed to have continued in the same employment until his date of intended retirement;
- (b) if he is in receipt of a pension under regulation 7(1)(a)(i) and he again becomes an officer before his date of intended retirement his election under paragraph (1)(b) shall continue to have effect and notwithstanding sub-paragraph (a) he shall be liable to make payments in accordance with the provisions of the Tenth Schedule from the date he again becomes an officer;
- (c) if he ceases to be an officer in circumstances other than those mentioned in sub-paragraph (a) or is absent from duty without leave, or is such an officer as is described in regulation 6(4)(c)(i), the provisions of paragraph (1) shall apply only to the contributing service determined in accordance with the formula

$$\frac{F \times G}{H}$$

where—

F is the length of the period in respect of which additional contributions have been paid;

G is the length of the period of contributing service in respect of which he elected to pay additional contributions; and

H is the length of the period in respect of which additional contributions should have been paid in accordance with his election under paragraph (1)(b);

- (d) if sub-paragraph (c) has applied to him and he again becomes an officer within 12 months after the date he ceased to be an officer in circumstances in which his previous service is reckonable as contributing service, his election under paragraph (1)(b) shall continue to have effect;
- (e) in the case of an officer in part-time employment the provisions of sub-paragraph (a) or (c) shall apply only to that proportion of the contributing service in respect of which he has, or by virtue of sub-paragraph (a) is deemed to have, made payments as the number of hours, half-days or sessions which he was required to work under his contract of employment bears to the number of hours, half-days or sessions which would have constituted wholetime service for the

employment in question during the period for which payments were made or were deemed to have been made.

(9) Where benefits under these regulations become payable to or in respect of an officer on a date earlier than his date of intended retirement, there shall be deducted from the period of contributing service determined in accordance with paragraph (8)(c) and, where applicable, (8)(e), such a period as may be determined by the Government Actuary to allow for such earlier payment of benefits.

(10) Where in the case of an officer to whom paragraph (1) applies his contributing service includes service as a practitioner, the retiring allowance to which he may become entitled in respect of each year of service as a practitioner purchased shall be 4.2 per cent. of the annual average of his total uprated remuneration, uprated in accordance with regulation 56(2)(a), received in respect of service as a practitioner prior to 25th March 1972 and a proportionate part of such remuneration shall be credited in respect of any part of a year.

(11) In calculating the amount by which a death gratuity shall be reduced in accordance with the provisions of regulation 12(3)(a) or (b) or regulation 12(4), as the case may be, no account shall be taken of that part of the officer's contributing service before 25th March 1972 in respect of which payment under paragraph (1) has been completed or deemed to have been completed.

(12) In this regulation—

“material date” has the meaning assigned by paragraph 3 of the Tenth Schedule; and

“date of intended retirement” has the meaning assigned by paragraph 5 of the Tenth Schedule.”

(2) For the Tenth Schedule to the principal regulations there shall be substituted the Tenth Schedule set out in Schedule 2 to these regulations.

#### *Application of regulations 6 and 17*

18. Regulations 6 and 17 shall not have effect in relation to an election made by an officer under regulation 22C of the principal regulations before the coming into operation of these regulations in respect of such an election and the provisions of the principal regulations as originally made shall continue to apply to such an officer in respect of that election as if these regulations had not been made.

#### *Reckoning of contributing service and non-contributing service*

19. In regulation 24 of the principal regulations at the end of paragraph (1)(e) there shall be inserted the words “except for the purposes of regulations 7(1)(a)(i), (iv), (vi) and (vii), 28(3) and 61(2)”.

#### *Benefits of officers who have exercised option to retain rights corresponding with those previously enjoyed*

20. In regulation 36(1) of the principal regulations after the words “and those provisions shall continue so to apply to and in respect of him” there shall be inserted the words “if he again becomes an officer to whom this regulation applies after becoming entitled to a pension under these or the previous regulations or”.

#### *Persons subject to non-statutory superannuation schemes and arrangements*

21. In regulation 38 of the principal regulations in paragraph (9)(c)(i) after the words “regulation 36(4)(d)” there shall be inserted the words “and (dd)”.

#### *Female Nurses, Physiotherapists, Midwives and Health Visitors*

22. In regulation 42 of the principal regulations after the words “5 years of

service" there shall be inserted the words "in the employment of an employing authority or in employment in which they are subject to a health service scheme".

*Rights on transfer to other employment*

23. In regulation 70 of the principal regulations—

(a) in paragraph (1)—

(i) the word "and" at the end of sub-paragraph (d) shall be omitted;

(ii) for the comma at the end of sub-paragraph (e) there shall be substituted the words "; and";

(iii) after sub-paragraph (e) there shall be inserted the following sub-paragraph—

"(f) he is not a person in respect of whom the Department has made a direction under regulation 49,";

(b) after paragraph (1A) there shall be inserted the following paragraph—

"(1B) For the purpose of paragraph (1)(e), where in the case of any person the Occupational Pensions Board established by section 66 of the Social Security Act 1973 and the Board of Inland Revenue have approved a transfer payment to a superannuation scheme established for the staff of a Community institution, employment under such scheme shall be deemed to be contracted out.";

(c) in paragraph (3) after the words "regulation 7(1)(a)(iii)" there shall be inserted the words "and regulation 14A(3)(c)(ii)".

*Provisions relating to approved employment*

24. In regulation 71 of the principal regulations in paragraph (2)(c) for the words "regulations 13B, 13C and 13D" there shall be substituted the words "regulations 13B and 13D".

*Allocation of part of pension*

25. In the First Schedule to the principal regulations in paragraph 1(C) for the words "pension of twenty-six pounds" there shall be substituted the words "pension of £78".

*Amendment of the National Insurance (Health Services Superannuation Scheme — Modification and Non-participation) Regulations (Northern Ireland) 1978*

26. In regulation 5(3) of the National Insurance (Health Services Superannuation Scheme — Modification and Non-participation) Regulations (Northern Ireland) 1978(a) for the words "regulation 36(4)(d)(ii)" there shall be substituted the words "regulation 36(4)(dd)".

*Revocation*

27. Regulations 13B(5), (6) and (7) and 13C of the principal regulations and regulation 22 of the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1976(b) are hereby revoked.

*Regulations having retrospective effect*

28. Regulations 7, 8, 9, 13(b) and 24 shall have effect from 11th January 1983. Regulation 12 shall have effect from 6th April 1978 in respect of any person who was an officer on or after that date.

(a) S.R. 1978 No. 292

(b) S.R. 1976 No. 46

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 7th July 1983.

(L.S.)

*W. Young*

Assistant Secretary

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

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 7th July 1983.

(L.S.)

*R. J. Anderson*

Assistant Secretary

## SCHEDULE 1

Regulation 14(2)

## Schedule substituted for the Ninth Schedule of the principal regulations

## "NINTH SCHEDULE

Regulation 22A

## PURCHASE OF ADDED YEARS

1. The sum payable under regulation 22A(1)(a) by an officer shall be calculated in accordance with the provisions of paragraph 7 and shall be paid by a lump sum payment within 3 months of either the material date or the end of the period referred to in paragraph 7(3)(a)(ii).

2. The sum payable under regulation 22A(1)(b) by an officer shall be calculated in accordance with the provisions of paragraph 8 and shall be paid by additional percentage contributions beginning on the birthday following the material date and ending on the date of intended retirement:

Provided that the additional percentage contributions payable by an officer, together with any other contributions payable by him under these or the previous regulations, shall not in aggregate exceed 15 per cent. of his remuneration or such other limit as the Commissioners of Inland Revenue may from time to time specify.

3. For the purposes of this Schedule "material date" means the date on which an officer's election to make payment under regulation 22A is received by his employing authority.

4.—(1) Subject to sub-paragraph (2) and to the provisions of regulation 23 and paragraphs 5 and 6, the additional contributing service that an officer may elect to purchase shall not exceed the number of years set out in column (2) of Table 1 opposite the number of years of service set out in column (1) which would be reckonable on his attaining the age of 60, if his employment as an officer continued to that age.

(2) Where an officer has previously purchased or elected to purchase a period of added years of contributing service under regulation 22A or any corresponding provision of the previous regulations—

- (i) that period shall not be included in ascertaining the number of years of contributing service of that officer which would be reckonable on his attaining the age of 60 if his employment as an officer continued to that age;
- (ii) the number of added years of contributing service which an officer has purchased or elected to purchase shall be deducted from the number of years of additional contributing service which that officer would otherwise be entitled to purchase.

5. The maximum number of added years of contributing service permitted under paragraph 4 shall be reduced, in such manner as the Department may consider in any particular case to be appropriate, to take account of any retained benefits to which the officer became entitled before the material date (whether payable before, on or after that date), and for the purposes of this paragraph "retained benefits" means—

- (a) any pension, lump sum retiring allowance or short service gratuity payable under these or the previous regulations;
- (b) any superannuation benefits, including a return of contributions, payable on termination of employment otherwise than as an officer; and
- (c) such other benefits as the Commissioners of Inland Revenue may from time to time specify:

Provided that this paragraph and paragraphs 4 and 6 shall not apply in respect of the purchase of any service under regulation 22A(7) or regulation 22A(2) as originally made.

6. Where the limits laid down from time to time by the Commissioners of Inland Revenue would allow added years to be purchased up to a different maximum from that provided in paragraphs 4 and 5, the maximum under this Schedule shall be increased or reduced accordingly.

7.—(1) For the purpose of calculating the sum to be paid by an officer under paragraph 1, Table 2 shall apply in accordance with this paragraph.

(2) The age of an officer means his age at the material date.

(3) The remuneration of an officer means the aggregate of his remuneration as calculated under sub-paragraphs (a) and (b).

- (a) The remuneration of an officer, other than a practitioner, means the annual average of his remuneration during the 3 months of continuous employment as such officer—
- (i) before the material date; or
  - (ii) to the end of the first 3 months of such employment if that is later than the material date:

Provided that—

- (i) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations, such fees shall be disregarded; and
  - (ii) in the case of an officer whose remuneration was reduced or suspended by reason of his absence from duty, the absence shall be disregarded and no account shall be taken of the reduction or suspension.
- (b) The remuneration of a practitioner means—
- (i) the annual average of his total uprated remuneration (calculated in accordance with regulation 56(2)(a)) for service as a practitioner before the material date, any service that may be treated as practitioner service by virtue of regulations 58 and 59 being disregarded; or
  - (ii) the annual average of his remuneration as a practitioner to the end of the first complete quarter of service as a practitioner if that is later than the material date.

(4) The sum payable by an officer shall be calculated by multiplying his total remuneration by the amount specified in column (2) of Table 2 opposite his age specified in column (1) and the length (expressed in years and fractions of a year) of the additional period that he elects to purchase and dividing the product by 100.

8.—(1) For the purpose of calculating the sum to be paid by an officer under paragraph 2, Table 3 shall apply in accordance with this paragraph.

(2) The age of an officer means his age on his next birthday following the material date.

(3) The “date of intended retirement” means the date on which an officer will attain the age of 55, 60 or 65, whichever is the age to which he has elected to pay additional contributions, and on or before which he would become entitled to receive payment of benefits under regulation 7(1)(a)(ii).

(4) The remuneration of an officer means his total remuneration, including remuneration as a practitioner, during the period for which additional contributions are payable:

Provided that—

- (i) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations such fees shall be disregarded; and
- (ii) the provisions of regulation 6(6) shall also apply to contributions payable under paragraph 2 where an officer is on leave of absence from duty with reduced remuneration or without remuneration.

(5) The sum payable by an officer shall be the percentage of remuneration specified in the column of Table 3 which is appropriate to his date of intended retirement opposite his age multiplied by the length (expressed in years and fractions of a year) of the additional period he desires to reckon as contributing service in pursuance of regulation 22A(1)(b), and rounded to the next 0.01 per cent. above.

9. If on application for the purpose made in writing by the officer to the Department, the Department is of the opinion that payment in accordance with paragraph 2 is causing, or continuation of such payment would cause him financial hardship and in its discretion consents to the discontinuance of such payment, the officer shall not continue to make such payment and regulation 22A(11)(c) shall apply.

TABLE 1

(1) <i>Potential number of complete years of contributing service reckonable at age 60</i>	(2) <i>Maximum number of years of contributing service that may be purchased</i>
Less than 9	Nil
9	1
10	2
11	3
12	4
13	5
14	7
15	9
16	11
17	13
18	15
19	17
20 or more	20

TABLE 2

Age (1)	Amount appropriate in respect of each £100 of remuneration (2)
	£
20	25.20
21	24.70
22	24.20
23	23.70
24	23.20
25	22.70
26	22.20
27	21.80
28	21.40
29	21.10
30	20.90
31	20.70
32	20.50
33	20.30
34	20.10
35	20.00
36	20.00
37	20.00
38	20.00
39	20.00
40	20.00
41	20.00
42	20.00
43	20.00
44	20.00
45	20.10
46	20.30
47	20.50
48	20.70
49	20.90
50	21.00
51	21.00
52	21.00
53	21.00
54	21.00
55	21.10
56	21.30
57	21.60
58	21.90
59	21.90
60	21.70
61	21.50
62	21.30
63	21.10
64	21.00
65	20.80
66	20.30
67	19.70
68	19.10
69	18.50

TABLE 3

Age	Percentage of remuneration		
	Date of intended retirement		
	55	60	65
20	.61	.50	.36
21	.64	.52	.38
22	.67	.54	.40
23	.70	.56	.42
24	.74	.58	.44
25	.78	.60	.46
26	.82	.62	.48
27	.86	.64	.50
28	.90	.66	.52
29	.94	.68	.54
30	.98	.70	.56
31	1.02	.72	.58
32	1.07	.75	.60
33	1.12	.78	.62
34	1.17	.81	.64
35	1.22	.85	.67
36	1.28	.89	.69
37	1.35	.93	.72
38	1.43	.98	.74
39	1.51	1.03	.77
40	1.60	1.09	.80
41	1.70	1.15	.83
42	1.83	1.22	.87
43	2.00	1.30	.91
44	2.20	1.39	.95
45	2.42	1.48	1.00
46	2.69	1.58	1.06
47	3.02	1.70	1.13
48	3.45	1.85	1.21
49	4.02	2.03	1.29
50	4.80	2.25	1.38
51	6.04	2.53	1.48
52	8.05	2.86	1.60
53	12.18	3.26	1.74
54		3.80	1.90
55		4.58	2.08
56		5.77	2.30
57		7.77	2.56
58		12.06	2.92
59			3.40
60			4.10
61			5.20
62			6.97
63			10.42

## SCHEDULE 2

Regulation 17(2)

Schedule substituted for the Tenth Schedule of the Principal Regulations

## "TENTH SCHEDULE

Regulation 22C

**PURCHASE OF UNREDUCED RETIRING ALLOWANCE**

1. The sum payable under regulation 22C(1)(a) by an officer shall be calculated in accordance with the provisions of paragraph 4 and shall be paid by a lump sum payment within 3 months of either the material date or the end of the period referred to in paragraph 4(3)(a)(ii).

2. The sum payable under regulation 22C(1)(b) by an officer shall be calculated in accordance with the provisions of paragraph 5 and shall be paid by additional percentage contributions beginning on the birthday following the material date and ending on the date of intended retirement:

Provided that the additional percentage contributions payable by an officer, together with any other contributions payable by him under these or the previous regulations, shall not in aggregate exceed 15 per cent. of his remuneration or such other limit as the Commissioners of Inland Revenue may from time to time specify.

3. For the purposes of this Schedule "material date" means the date on which an officer's election to make payment under regulation 22C is received by his employing authority.

4.—(1) For the purpose of calculating the sum to be paid by an officer under paragraph 1, Table 1 shall apply in accordance with this paragraph.

(2) The age of an officer means his age at the material date.

(3) The remuneration of an officer means the aggregate of his remuneration as calculated under sub-paragraphs (a) and (b).

(a) The remuneration of an officer, other than a practitioner, means the annual average of his remuneration during the 3 months of continuous employment as such officer—

- (i) before the material date; or
- (ii) to the end of the first 3 months of such employment if that is later than the material date:

Provided that—

- (i) the remuneration of such officer who at the material date was an officer specified in regulation 6(4) shall be his average remuneration increased by an annual amount equal to any increase which would have been payable at the material date under the Pensions (Increase) Act (Northern Ireland) 1971(a) on a pension of the same amount as such average remuneration and beginning on the day on which regulation 6(4) first applied to him;
- (ii) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations, his remuneration shall be increased by a sum equal to the amount of such fees earned by him in the last financial year ending before the material date; and
- (iii) in the case of an officer whose remuneration was reduced or suspended by reason of his absence from duty, the absence shall be disregarded and no account shall be taken of the reduction or suspension.

(b) The remuneration of a practitioner means—

- (i) the annual average of his total uprated remuneration (calculated in accordance with regulation 56(2)(a)) for service as a practitioner before the material date, any service that may be treated as practitioner service by virtue of regulations 58 and 59 being disregarded; or
- (ii) the annual average of his remuneration as a practitioner to the end of the first complete quarter of service as a practitioner if that is later than the material date.

(4) The sum payable by an officer shall be calculated by multiplying his total remuneration by the amount specified in column (2) of Table 1 opposite his age specified in column (1) and

(a) 1971 c. 35 (N.I.)

the length (expressed in years and fractions of a year) of the contributing service in respect of which he elects to make such payment and dividing the product by 100.

5.—(1) For the purpose of calculating the sum to be paid by an officer under paragraph 2, Table 2 shall apply in accordance with this paragraph.

(2) The age of an officer means his age on his next birthday following the material date.

(3) The “date of intended retirement” means the date on which an officer will attain the age of 55, 60 or 65, whichever is the age to which he has elected to pay additional contributions, and on or before which he would become entitled to receive payment of benefits under regulation 7(1)(a)(ii).

(4) The remuneration of an officer means his total remuneration, including remuneration as a practitioner, during the period for which additional contributions are payable:

Provided that—

(i) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations, his remuneration shall include the value of such fees paid to him; and

(ii) the provisions of regulation 6(6) shall also apply to contributions payable under paragraph 2 where an officer is on leave of absence from duty with reduced remuneration or without remuneration.

(5) The sum payable by an officer shall be the percentage of remuneration specified in the column of Table 2 which is appropriate to his date of intended retirement opposite his age multiplied by the length (expressed in years and fractions of a year) of the contributing service in respect of which he has elected to make payment, rounded to the next 0.01 per cent. above.

6. If on application for the purpose made in writing by the officer to the Department, the Department is of the opinion that payment in accordance with paragraph 2 is causing or continuation of such payment would cause him financial hardship and in its discretion consents to the discontinuance of such payment, the officer shall not continue to make such payment and regulation 22C(8)(c) shall apply.

TABLE 1

Age	<i>Amount appropriate in respect of each £100 of remuneration</i>
(1)	(2)
	£
29	2.48
30	2.46
31	2.44
32	2.41
33	2.39
34	2.36
35	2.35
36	2.35
37	2.35
38	2.35
39	2.35
40	2.35
41	2.35
42	2.35
43	2.35
44	2.35
45	2.36
46	2.38
47	2.41
48	2.44
49	2.46
50	2.47
51	2.47
52	2.47
53	2.47
54	2.47
55	2.48
56	2.50
57	2.50
58	2.50
59	2.50
60	2.50
61	2.50
62	2.50
63	2.50
64	2.50
65	2.50
66	2.50
67	2.50
68	2.50
69	2.50

TABLE 2

Age	Percentage of remuneration		
	Date of intended retirement		
	55	60	65
29	.11	.08	.06
30	.12	.08	.07
31	.12	.08	.07
32	.13	.09	.07
33	.13	.09	.07
34	.14	.10	.08
35	.14	.10	.08
36	.15	.11	.08
37	.16	.11	.08
38	.17	.12	.09
39	.18	.12	.09
40	.19	.13	.09
41	.20	.13	.10
42	.22	.14	.10
43	.24	.15	.11
44	.26	.16	.11
45	.29	.17	.12
46	.32	.19	.12
47	.36	.20	.13
48	.41	.22	.14
49	.47	.24	.15
50	.56	.27	.16
51	.71	.30	.17
52	.95	.34	.19
53	1.43	.38	.20
54		.45	.22
55		.54	.24
56		.68	.27
57		.91	.30
58		1.42	.34
59			.40
60			.48
61			.61
62			.82
63			1.23''

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Health Services (Superannuation) Regulations (Northern Ireland) 1962 which provide for the payment of pensions and other benefits to persons engaged in the Health and Personal Social Services.

The main changes are—

- (a) The period for which a widow's pension is payable at the same rate as her late husband's remuneration if he died while still employed in the Health and Personal Social Services, or at the same rate as his pension if he was receiving a pension under the regulations at the date of his death, is extended from the first three to the first six months after his death where there are dependent children (regulations 7 and 9).
- (b) A widow who had married her late husband after he had become entitled to receive payment of a pension under the regulations will be entitled to a widow's pension at the rate of her late husband's pension for three months after his death provided she is entitled to a continuing widow's pension (regulation 7).
- (c) The condition for entitlement to payment of a child's allowance to the dependent child of a deceased officer of a minimum of five years' service in the Health and Personal Social Services is removed and child's allowance is calculated on the basis of a minimum of 10 years' service except that where the officer's maximum service up to the age of 65 would have been less than 10 years the period of service is limited to that period (regulation 8).
- (d) The period for which a child's allowance is payable at the same rate as a deceased officer's remuneration or pension rate, as the case may be, is extended from three to six months where the deceased officer was not survived by a widow or widower (regulation 8).
- (e) Provision is made for a child's allowance to be payable at the same rate as a deceased officer's pension or remuneration for three months in respect of a child who is not dependent on the surviving widow or widower and the period for which a child's allowance is payable is extended until the child attains 17 (regulation 8).
- (f) The limit of an annual sum payable, below which the Department may discharge its liability by payment of a lump sum is increased from £39 to £78 (regulation 10).
- (g) Provision is made to allow an officer to purchase additional service by payment of contributions of a fixed percentage of superannuable pay which provides greater flexibility by allowing purchase of periods of less than a complete year at any time in an officer's career provided that he can pay contributions for at least two years from his next birthday until the date he intends to retire (being when he reaches 55, 60 or 65). This provision replaces the previous provision which allowed an officer to pay by instalments over a period of years. Purchase by payment of a single lump sum is retained as an option for officers in their first twelve months after becoming subject to the provisions of the regulations (regulation 14).
- (h) Provision is made to allow an officer to purchase an unreduced retiring allowance by payment of contributions of a fixed percentage of superannuable pay. This provision will enable an officer to purchase an unreduced retiring allowance at any time during his career provided that he can pay the contributions for at least two years from his next birthday until the date he intends to retire (being when he reaches 55, 60 or 65). This provision

replaces the previous provision which enabled an officer to pay by instalments over a period of years. The right to purchase an unreduced retiring allowance on payment of a single lump sum is retained for those officers who apply within twelve months of marriage or, if they are married before they become subject to the regulations, within twelve months of that date (regulation 17).

- (i) Provision is made to enable officers who had elected to remain subject to the terms of certain superannuation schemes instead of participating in the Health Services Superannuation Scheme, to remain subject to those schemes on re-employment in the Health and Personal Social Services with preserved benefits or after having become entitled to receive payment of a pension (regulation 20).
- (j) Provision is made to enable a transfer payment to be made to a superannuation scheme established for the staff of a European Community institution in respect of an officer who becomes employed by a Community institution, subject to approval by the Occupational Pensions Board and the Superannuation Funds Office in individual cases (regulation 23).
- (k) Provision is made so that where a transfer of accrued pension benefit to a superannuation scheme established for the staff of a European Community institution is made in respect of an officer and the pension benefits provided by that scheme are below the level of guaranteed minimum pension [as defined in regulation 2 of the principal regulations] that any shortfall in that amount is made up (regulation 11).
- (l) The provision which precludes an officer from allocating part of his pension to his surviving spouse or dependant where the amount of the spouse's or dependant's pension would be less than a specified amount is amended by increasing that amount from £26 to £78 (regulation 25).

The regulations also make minor drafting and other amendments of the principal regulations.

Pursuant to the power conferred by Article 14(1) of the Superannuation (Northern Ireland) Order 1972 regulation 12 has retrospective effect as from 6th April 1978 in respect of any person who was an officer on or after that date. Regulations 7, 8, 9, 13(b) and 24 have retrospective effect as from 11th January 1983.