
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 299

HEALTH AND PERSONAL SOCIAL SERVICES

**The Health and Personal Social Services (Superannuation)
(Amendment) Regulations (Northern Ireland) 1998**

Made - - - - *21st August 1998*
Coming into operation *1st October 1998*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 12 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972⁽¹⁾ and of all other powers enabling it in that behalf, after consulting with such representatives of persons likely to be affected by these Regulations as appear to it to be appropriate as required by Article 12(4) of that Order, and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 1st October 1998.

Interpretation

2. In these Regulations, “the principal Regulations” means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995⁽²⁾.

Amendment of regulation 2 of the principal Regulations (Interpretation)

3. In regulation 2—

(a) after the definition of “the previous Regulations” there shall be inserted the following definition—

““the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997⁽³⁾”

(b) in the definition of “employing authority”—

(1) S.I.1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13)
(2) S.R. 1995 No. 95 as amended by S.R. No. 217 of 1997 and S.R. No. 390 of 1997
(3) S.I. 1997/1177 (N.I. 7)

- (i) in sub-paragraph (e) the word “and” shall be omitted;
- (ii) in sub-paragraph (f)(4) for the word “staff” there shall be substituted “staff, and”;
- (iii) after sub-paragraph (f) there shall be inserted the following sub-paragraph—
 - “(g) a person who is providing piloted services.”
- (c) after the definition “guaranteed minimum pension” there shall be inserted the following definitions—
 - ““Health and Social Services Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(5)
 - ““HSS Trust” means a Health and Social Services Trust established under the Health and Personal Social Services (Northern Ireland) Order 1991(6)
- (d) after the definition “Health Service Scheme” there shall be inserted the following definition—
 - ““medical list” means a list kept pursuant to the General Medical Services Regulations (Northern Ireland) 1997(7)
- (e) in sub-paragraph (a) of the definition of “occupational pension scheme” for “Chapter IV” there shall be substituted “Chapter I”;
- (f) after the definition of “personal pension scheme” there shall be inserted the following definitions—
 - ““pilot scheme” has the meaning given in Article 3(1) of the 1997 Order”;
 - ““pilot scheme employee” has the meaning given in Article 4(3) of the 1997 Order”;
 - ““piloted services” has the meaning given in Article 3(4) of the 1997 Order”;

Amendment of regulation 13 of the principal Regulations (Early retirement pension (ill health))

- 4. In paragraph 10 of regulation 13 the words from “or” to “regulation 17)” shall be omitted.

Amendment of regulation 14 of the principal Regulations (Early retirement pension (redundancy etc.))

- 5. In regulation 14 after paragraph 3(8) there shall be inserted the following paragraph—
 - “(4) This regulation shall not apply to a member who is providing piloted services under a pilot scheme.”.

Amendment of regulation 15 of the principal Regulations (Early retirement pension (employer’s consent))

- 6. In regulation 15 after paragraph 3(9) there shall be inserted the following paragraph—
 - “(4) This regulation shall not apply to a member who is providing piloted services under a pilot scheme.”.

(4) Sub-paragraph (f) was inserted by Regulation 3(a)(iii) of S.R. 1997 No. 390

(5) S.I. 1972/1265 (N.I. 14)

(6) S.I. 1991/194 (N.I. 1)

(7) S.R. 1997 No. 380

(8) Paragraph (3) was inserted by regulation 4 of S.R. 1997 No. 390

(9) Paragraph (3) was inserted by regulation 5 of S.R. 1997 No. 390

Amendment of regulation 52 of the principal Regulations (Early leavers returning to superannuable employment)

7. After paragraph 7 of regulation 52 there shall be inserted the following paragraph—

“(7A) Practice staff who were employed by a registered medical practitioner on both 31st August 1997 and 1st September 1997 and who—

- (a) had previously been compulsorily transferred from a body referred to in sub-paragraph (a), (b), (c), (d) or (e) of the definition of “employing authority” in regulation 2, to employment with a registered medical practitioner referred to in sub-paragraph (f) of that definition; and
- (b) were at time of the transfer paying for additional benefits by regular additional contributions under regulation 72; and
- (c) rejoined the Health and Personal Social Services Superannuation Scheme with effect from 1st September 1997;

may resume payment of those additional contributions at the percentage rate, which applied prior to the transfer above, of current superannuable pay provided that the payments resume with effect from 1st September 1997.”

Amendment of regulation 67 of the principal Regulations (Right to buy additional service)

8.—(1) In paragraph (6) of regulation 67 there shall be inserted the words “or, in the case of a special class officer, age 55” after the words “age 60” in each place where those words appear.

(2) After the table in paragraph (6) of regulation 67 there shall be inserted the following paragraphs—

“(6A) A member who—

- (a) joined the Scheme on or after the 17th March 1987;
- (b) has made an application prior to September 1997 to buy additional service; and
- (c) does not commence making payments under regulation 72 until on or after 1st September 1997,

may, up until and including 31st August 1998, elect that paragraph (6) shall cease to apply to him.

(6B) Paragraph (6) shall cease to apply to a member who—

- (a) joined the Scheme on or after the 17th March 1987;
- (b) makes an application on or after 1st September 1997 to buy additional service; and
- (c) commences payment under regulation 72 on or after 1st September 1997.”

Amendment of regulation 77 of the principal Regulations (Members doing more than one job)

9. In regulation 77 —

(a) for paragraph (1) substitute the following paragraph—

“(1) This regulation applies to members in HPSS employment—

- (a) with one or more employing authority;
- (b) who hold, under one employing authority, two or more separate employments; or
- (c) to whom paragraph 10A applies.”;

(b) in paragraph (10) at the beginning there shall be inserted “Subject to paragraph (10A).”;

(c) after paragraph (10), there shall be inserted the following paragraphs—

“(10A) A member who becomes entitled to a pension under regulation 14 as an officer, and has terminated his concurrent employment as a practitioner not more than 12 months before the date on which he becomes entitled to that pension, shall not be entitled to receive a pension under regulation 14 in respect of any employment as a practitioner, but shall only be entitled to receive a pension under regulation 12, regulation 16, or a preserved pension under regulation 49, in respect of such employment.

(10B) Where paragraph (10A) applies, the member may, in respect of any service as an officer which has terminated and to which paragraph (9)(1), (6) or (9) of Schedule 2 applies, elect for that paragraph not to apply and instead to receive a pension under regulation 14 in respect of that service.”.

Amendment of regulation 81 of the principal Regulations (Former members of health service schemes)

10. In paragraph (1)(b) of regulation 81 for “National Health Service (Isle of Man) Act 1984” substitute “Superannuation Act 1984”.

Insertion of new regulation 83A of the principal Regulations

11. After regulation 83 (Polygamous Marriages) of the principal Regulations there shall be inserted the following regulation—

“Participators in pilot schemes

83A. For the purposes of these Regulations, for the duration of any pilot scheme—

- (a) a registered medical practitioner—
 - (i) whose name appears on a medical list prior to the commencement of a pilot scheme, or who, prior to the commencement of the pilot scheme, was an assistant practitioner; and
 - (ii) who was involved in the operation of a pilot scheme whether as a person providing piloted services, or as a pilot scheme employee;
 shall be treated as a practitioner by the relevant Health and Social Services Board;
- (b) a registered medical practitioner whose name does not appear on a medical list prior to the commencement of a pilot scheme, other than an assistant practitioner, shall be treated—
 - (i) as a practitioner employed by the relevant Health and Social Services Board if he provides piloted services under a pilot scheme; or
 - (ii) as an officer employed by the provider of the piloted services if he is a pilot scheme employee;
- (c) a person who is providing piloted service shall be liable to pay contributions under regulation 11 in respect of a member who is employed by him as a pilot scheme employee;
- (d) a member who, prior to the commencement of a pilot scheme—
 - (i) was employed in HPSS employment; or
 - (ii) was employed as a pilot scheme employee, and is not a registered medical practitioner,

and who, after the commencement of the pilot schemes is providing piloted services, shall be treated as a whole-time officer employed by the relevant Health and Social Services Board;

- (e) pilot scheme employees, who are employed otherwise than by a HSS Trust which is providing piloted services, and to whom paragraph (a) or (b)(ii) does not apply, shall be treated for the purposes of these Regulations as if they were practice staff; and
- (f) in this regulation—
 - (i) “assistant practitioner” has the meaning given in paragraph 1 of Schedule 2;
 - (ii) “Health and Social Services Board” means the relevant Health and Social Services Board which has made an agreement with a person for that person to provide piloted services in that Board’s area.”

Amendment of regulation 84 of the principal Regulations (Suspension of pension on return to HPSS employment)

12. In paragraph (5)(a) of regulation 84 for “National Health Service (Isle of Man) Act 1984” substitute “Superannuation Act 1984”.

Amendment of regulation 85 of the principal Regulations (Reduction of pension on return to HPSS employment)

13.—(1) In paragraph (1) at the beginning there shall be inserted “Subject to paragraph (15), this”.

(2) After paragraph 14 of regulation 85 there shall be inserted the following paragraph—

“(15) This regulation shall not apply to practice staff in respect of whom a pension is payable under any of the regulations 12 to 16 or regulation 49 who were employed by a registered medical practitioner on both 31st August 1997 and 1st September 1997 and who—

- (a) were ineligible to rejoin the scheme with effect from 1st September 1997; or
- (b) made an election not to rejoin the scheme with effect from that date and who do not cancel that election.”.

Amendment of Schedule 2 of the principal Regulations (Medical and Dental Practitioners)

14. In Schedule 2—

(1) In sub-paragraph (1)(b) of paragraph 3 (Meaning of “Superannuable earnings”) at the beginning there shall be inserted “in the case of a dental practitioner,”

(2) In paragraph (6) (Meaning of “superannuable earnings” in relation to other practitioners)—

- (a) before the word “In” there shall be inserted “(1)”;
- (b) after paragraph 1 there shall be inserted the following paragraph—

“(2) In the case of—

- (a) a practitioner providing piloted services, superannuable earnings means all fees and other regular payments paid to the practitioner in respect of the provision of piloted services, but does not include bonuses or payments made to cover expenses or for overtime;
- (b) a practitioner employed as a pilot scheme employee, “superannuable earnings” means all salaries or wages paid to the practitioner in respect of

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employment as a practitioner, but does not include bonuses or payments made to cover expenses or for overtime.”

(3) In paragraph 19 (Members absent from work) after sub-paragraph (5) there shall be inserted the following sub-paragraph—

“(6) For the purposes of these Regulations for the duration of any pilot scheme—

- (a) a member who provides piloted services under a pilot scheme and who is absent from work by reason of illness or injury shall be treated as a practitioner whether or not his name is included on a medical list prior to the commencement of the pilot scheme; and
- (b) a member who performs piloted services under a pilot scheme and who is absent from work by reason of illness or injury shall be treated as an officer whether or not his name is included on a medical list prior to the commencement of the pilot scheme.”.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

21st August 1998.

John McGrath
Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing regulations
Sealed with the Official Seal of the Department of Finance and Personnel on

L.S.

21st August 1998.

Dorothy Angus
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (“the principal Regulations”) which provide for the superannuation of persons engaged in the Health and Personal Social Services in Northern Ireland.

Regulations 1 and 2 provide the citation, commencement and interpretation of the Regulations. Regulation 3 amends regulation 2 of the principal Regulations, in particular to include definitions relating to the introduction of piloted services under the Health Services (Primary Care) (Northern Ireland) Order 1997.

Regulation 4 amends regulation 13 of the principal Regulations in order to remove the overriding cap when a lump sum is paid early on the grounds of terminal ill-health.

Regulations 5 and 6 amend regulations 14 and 15 of the principal Regulations which are concerned with pensions for early retirement on the grounds of redundancy, or with the employer’s consent so that they do not apply to a provider of piloted services.

Regulation 7 amends regulation 52 of the Principal regulations by inserting new paragraphs (7A) and (7B) to enable GP Practice staff whose contract to purchase additional service ceased prematurely, to continue that contract provided the conditions set out in the Regulations are satisfied. Regulation 8 amends regulation 67 of the Principal Regulations by inserting new paragraphs (6A) and (6B) to provide that certain numbers who entered the scheme after 17th March 1987 can increase additional service to be purchased.

Regulation 9 amends regulation 77 of the principal Regulations by inserting new paragraphs (1), (10A) and (10B). New paragraph (1) provides that regulation 77 not only applies to members who are employed by one or more employing authority or hold two or more separate employments under one employing authority, but also applies to members who are in HPSS employment at the time of redundancy and who also held another concurrent employment within 12 months prior to the redundancy date. Paragraph 10A provides that a member, who has been made redundant from HPSS employment and whose last concurrent employment as a practitioner terminated within 12 months prior to the redundancy date, shall be entitled to a pension only under regulations 12, 16 or 49 of the principal Regulations in respect of his practitioner employment. Paragraph 10B provides an option which is available to a member to whom paragraph 10A applies, to elect, in respect of officer service to which paragraph 9(1), (6) or (9) of Schedule 2 to the principal Regulation applies, that paragraph 9 should not apply and to receive a pension under regulation 14 in respect of that service.

Regulation 10 amends regulation 81 and regulation 12 amends regulation 85 of the principal Regulations to correct the reference to Isle of Man legislation.

Regulation 11 inserts a new regulation 83A on the principal Regulations in order to include providers of and performers in piloted medical services under the Health Services (Primary Care) (Northern Ireland) Order 1997 in the scheme.

Regulation 13 amends regulation 85 of the principal Regulations by inserting a new paragraph (15) to provide that certain GP practice staff in receipt of a HPSS pension shall not be subject to abatement of pension.

Regulation 14 amends paragraph 3 of Schedule 2 to the principal Regulations so that there will no longer be an adjustment to a general practitioner’s earnings when he employs an assistant practitioner. Paragraph 6 of Schedule 2 is amended in order to define superannuable earnings for practitioners who are providing or performing piloted services. Consequential amendments are made

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to paragraph 6(2) of Schedule 2. Paragraph 19 of Schedule 2 is amended in order to provide that a general practitioner provider of piloted services will be treated as a practitioner if he is absent from work due to illness or injury and that a general practitioner performer of piloted services will be treated as an officer if he is absent from work due to illness or injury.