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## EXPLANATORY NOTE

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

These Regulations further amend the Health and Personal Social (Superannuation) Regulations (Northern Ireland) 1995 ([S.R. 1995 No. 95](#)), “the Superannuation Scheme Regulations”, which provide for the superannuation of persons engaged in the Health and Personal Social Services. The Regulations also amend the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001, [S.R. 2001 No. 367](#) which provide for the payment of injury benefits to, or in respect of any person engaged in the Health and Personal Social Services whose earning ability is reduced or who dies as a result of an injury or disease contracted in the course of his or her employment.

The Regulations shall have retrospective effect as authorised by Article 14(1) of the Superannuation (Northern Ireland) Order 1972.

Regulation 1 provides for the citation, commencement and retrospective effect.

Regulation 2 contains definitions.

Regulations 3 to 12 amend the Superannuation Scheme Regulations

Regulation 3 amends regulation 2 of the Superannuation Scheme Regulations (Interpretation) and inserts new definitions relating to the types of medical services provided and the persons or bodies who provide them. It also amends the definition of “employing authority” so as to include those providers.

Regulation 4 inserts new regulation 2A (Provisions relating to Out of Hours providers) into the Superannuation Scheme Regulations which deals with the date from which a company which satisfies the conditions to be an Out of Hours (OOH) provider, is to be approved as an “employing authority”. It also sets out the circumstances when such a provider may, and will, cease to be such an employing authority.

Regulation 5 amends regulation 3 of the Superannuation Scheme Regulations (Meaning of superannuable pay) by substituting a new definition of “superannuable pay”.

Regulation 6 amends regulation 9 of the Superannuation Scheme Regulations (Opting out of the Scheme) to enable an employee of an OOH provider that has retrospectively been approved as an employing authority for the purposes of the Scheme to opt-out, join or rejoin the Scheme during that retrospective period.

Regulation 7 amends regulation 10 of the Superannuation Scheme Regulations (Contributions by members) to provide that where an employing authority has failed to deduct contributions, the Department may recover the amount of those contributions by deduction from benefits payable to, or in respect of the member if that would be to the member’s advantage and the member agrees to the deduction.

Regulation 8 amends regulation 11 of the Superannuation Scheme Regulations (Contributions by employing authorities) by adding a new paragraph (8) which provides that certain employing authorities that have failed to pay or remit contributions to the Scheme in the past may, in the future, be required to have in force a guarantee, bond or indemnity to secure future payments of such contributions.

Regulation 9 amends regulation 74 of the Superannuation Scheme Regulations (Practitioners and trainee practitioners) so as to provide that Superannuation Scheme Regulations apply to non-GP providers as if they were whole-time officers as from 1st April 2004.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 10 amends regulation 83A of the Superannuation Scheme Regulations (Participants in pilot schemes) by omitting references to a registered medical practitioner engaged in such a scheme.

Regulation 11 amends regulation 97 of the Superannuation Scheme Regulations (Accounts and actuarial reports) so as to require certain employing authorities to provide the Department with a certificate of superannuable earnings within 12 months of the end of the financial year.

Regulation 12 amends Schedule 2 to the Superannuation Scheme Regulations (Medical and dental practitioners) as follows—

Paragraph (1) amends paragraph 1 of the Schedule (Additional definitions used in this Schedule) by amending and omitting existing definitions and adding new ones. In particular, it adds definitions of “board and advisory work”, “commissioned services” and “collaborative services”;

Paragraph (2) amends paragraph 2 of the Schedule (Applications of Regulations with modifications) in respect of Health and Social Services Boards;

Paragraph (3) amends paragraph 3 of the Schedule (Meaning of superannuable earnings) to provide new definitions of what constitutes “superannuable earnings” for principal practitioners and non-GP providers;

Paragraphs (4) and (5) amend paragraphs 4 and 5 of the Schedule (Calculating “superannuable earnings” of practitioners in partnership), (Elections in relating to the calculation of “superannuable earnings in partnerships) with or without a non-GP provider;

Paragraph (6) amends paragraph 6 of the Schedule (Meaning of “superannuable earnings” in relation to other practitioners) to provide new definitions of superannuable pay;

Paragraph (7) amends paragraph 10 of the Schedule (Contributions to the scheme) so as to specify to whom a Superannuation Scheme practitioner must pay his contributions in respect of the various services he provides. It also makes similar provision in relation to locum practitioners and non-GP providers and contributions by employing authorities;

Paragraph (8) amends paragraph 19(6) of the Schedule (Members absent from work) by omitting reference to a medical practitioner;

Paragraph (9) inserts a new paragraph 23 in Schedule 2 which modifies regulation 97 (Accounts and actuarial reports) in respect of practitioners and non-GP providers.

Regulation 13 amends the Injury Benefits Regulations

Regulation 13 amends the Injury Benefits Regulations as follows –

Paragraph (2) amends regulation 2 of the Injury Benefits Regulations (Interpretation) in like manner to those made to regulation 2 of the Superannuation Scheme Regulations;

Paragraph (3) amends regulation (3) of the Injury Benefits Regulations (Persons to whom these Regulations apply) so as to include a non-GP provider and a person providing personal medical services who is not a practitioner;

Paragraph (4) amends regulation 5(7) of the Injury Benefits Regulations (Recovery of costs) so that it also applies to a person providing personal medical services and a non-GP provider as if they were whole-time officers of the relevant Health and Social Services Board.