

ORDER, DATED 11TH OCTOBER, 1949, MADE BY THE MINISTER OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 4 OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1949. No. 181

WHEREAS by Section 4 (1) of the Health Services Act (Northern Ireland), 1948 (in this Order referred to as "the Act"), it is provided that the Minister of Health and Local Government shall by order constitute, in accordance with the First Schedule to the Act, a body to be called the Northern Ireland General Health Services Board :

AND WHEREAS by an Order (a), dated 19th October, 1948, Mrs. Dehra Parker, O.B.E., M.P., was appointed to be Chairman of the Northern Ireland General Health Services Board :

AND WHEREAS the said Mrs. Dehra Parker, O.B.E., M.P., has duly resigned her membership thereof :

NOW, THEREFORE, I, the Right Honourable DAME DEHRA PARKER, Minister of Health and Local Government, do hereby order as follows :—

1. This Order may be cited as the Health Services (Constitution of the Northern Ireland General Health Services Board) (No. 3) Order (Northern Ireland), 1949.

2. James Patterson Duff, Esquire, J.P., of Millview House, Coagh, County Tyrone, is hereby appointed to be Chairman of the Northern Ireland General Health Services Board.

Given under my hand at Stormont, Belfast, this eleventh day of October, one thousand nine hundred and forty-nine.

Dehra Parker,

Minister of Health and Local Government
for Northern Ireland.

HEALTH SERVICES (SUPERANNUATION) AMENDMENT

REGULATIONS, DATED THE 17TH DAY OF JANUARY, 1949, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SUB-SECTION (1) OF SECTION SIXTY-ONE OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1949. No. 9

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by sub-section (1) of Section

(a) S. R. & O. (N.I.) 1948 No. 294.

sixty-one of the Health Services Act (Northern Ireland), 1948 (a), and with the approval of the Ministry of Finance for Northern Ireland, hereby makes the following regulations :—

1.—(1) These regulations may be cited as the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1949, and shall be deemed to have come into operation as from the 24th day of June, 1948.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

“ the principal regulations ” means the Health Services (Superannuation) Regulations (Northern Ireland), 1948 (b) ;

“ regulation ” means regulation contained in the principal regulations ;

“ the Superannuation Acts ” means the Superannuation Acts, 1834 to 1919, as applied to the civil service of Northern Ireland, and the Superannuation Acts (Northern Ireland), 1921 to 1947 ; and

“ established service ” means service in the capacity of a civil servant for the purposes of the Superannuation Acts, and the term “ established civil servant ” shall be construed accordingly.

(3) The Interpretation Act, 1921, applies for the purpose of the interpretation of these regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

PART I

RECIPROCAL ARRANGEMENTS FOR CIVIL SERVANTS

2. In paragraph (3) of Regulation 13 the following new sub-paragraph shall be inserted,—“(c) employment as an established civil servant.”

3. In paragraph (1) of Regulation 14 the following new sub-paragraph shall be inserted,—“(e) any previous employment reckonable as service which was reckonable as established service under the Superannuation Acts.”

4. In paragraph (3) of Regulation 30 there shall be inserted —

(a) in sub-paragraph (a) thereof after the words “ twelve months ” where those words secondly occur the words “ during no part of which he was an established civil servant ” ;

(b) in sub-paragraph (b) thereof after the words “ twelve months ” the words “ during no part of which he was an established civil servant ” ; and

(c) in proviso (ii) to sub-paragraph (c) thereof after the words "employing authority" the words "or an established civil servant".

5. In paragraph (8) of Regulation 30 there shall be inserted —

(a) in line 3 after the word "was" the words "an established civil servant or a person";

(b) in line 14 after the word "modifying" the words "the Superannuation Acts or";

(c) in line 16 after the word "months" the words "during no part of which he was an established civil servant, unless in the employment he has left he was an established civil servant,"; and

(d) in line 28 after the word "authority" the words "or an established civil servant."

6. In paragraph (9) of Regulation 30 there shall be inserted after the words "twelve months" the words "during no part of which he was an established civil servant", and in the proviso to the said paragraph after the words "employing authority" the words "or an established civil servant".

7. In Regulation 35 the following new paragraph shall be inserted—

"(1A) There shall be included in the said account such particulars as may be necessary in order that the said account shall also show the revenue that would be received and the expenditure that would be incurred if, whenever any person transferred to or from employment subject to these regulations from or to employment as an established civil servant, a transfer value were payable to or by the Ministry of such amount as the Government Actuary shall indicate as being actuarially equivalent to the liability of which the Ministry of Finance or the Ministry, as the case may be, is relieved as a result of that transfer".

8. The following new regulation shall be inserted after Regulation 38 —

"Reckoning of service on transfer to employment as an established civil servant"

38A.—(1) Where a person, within twelve months after leaving employment as an officer of an employing authority and without having become entitled to any benefit under these regulations other than a return of contributions, becomes an established civil servant he shall be entitled to reckon as established service all periods of employment or war service which for the purposes of these regulations he was entitled to reckon as contributing service or non-contributing service in relation to his employment under the employing authority immediately before he ceased to be employed by them excluding, in the event of his having received a return of contributions on or after so ceasing to be employed, any part of that period after the date of return, and to

reckon as established service for the purpose of determining whether he has served for the minimum period prescribed under the Superannuation Acts for the payment of a superannuation allowance or additional allowance or gratuity to his personal representatives on his death any service which he was entitled to reckon in relation to his former employment solely for the purpose of determining whether he was entitled to any benefit under these regulations :

Provided that —

- (i) the foregoing provisions of this paragraph shall not apply to any person who does not, within three months after entering his new employment, give notice in writing to his employer of his previous period of employment and war service (if any) and pay to the Ministry an amount equal to any sum paid to him by way of return of contributions on or after ceasing to hold his former employment, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment ; and
- (ii) for all the purposes of this paragraph, except the calculation of any qualifying period of service, any period of non-contributing service shall be treated as being half its actual length, and any period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

(2) Where an established civil servant ceases to be employed as such in circumstances which under these regulations would have entitled him to a return of contributions had he then ceased to be employed by an employing authority, he shall be entitled to receive from the Ministry a sum equal to the amount to which he would have been so entitled as aforesaid."

9. In the Third Schedule to the principal regulations there shall be inserted —

- (a) in item (i) of sub-paragraph (d) of paragraph 3 after the words " employing authority " the words " or an established civil servant, " ; and
- (b) in paragraph 5 after the words " employing authority " the words " or by a person who has ceased to be such and has become an established civil servant."

PART II

MISCELLANEOUS

10. In Regulation 1, in paragraph (3) thereof, for the definition of " mental health officer " there shall be substituted the following :—

" mental health officer " means an officer on the medical or nursing staff of a hospital used wholly or partly for the treatment of persons suffering from illness of a mental or kindred nature or an institution so used for the treatment of persons

requiring special care within the meaning of PART III of the Mental Health Act (Northern Ireland), 1948, who devotes the whole or substantially the whole of his time to the treatment or special care of such persons and such other classes or descriptions of officers employed in such hospitals or institutions as aforesaid as the Ministry may designate; and in the definition "employing authority" there shall be added after the word "Board" the words "or the Joint Nursing and Midwives Council for Northern Ireland".

11. In Regulation 2, in proviso (ii) (z) thereto, there shall be substituted for the words "local authority or governing body of a voluntary hospital" the words "authority or body from which functions are transferred by the Act, or under an officer of such an authority or body, at or for the purposes of any hospital."

12. In Regulation 6, in proviso (i) to paragraph (3) thereof, and in the substituted Regulation 6 as set out in Regulation 36 (3) (d), in proviso (ii) to paragraph (1) thereof, there shall be substituted for all words after the words "forty years" the words "the pension shall be calculated by reference to the last forty years actual service, any non-contributing service within that period being reckoned as contributing service."

13. In Regulation 6, in proviso (iii) to paragraph (4) thereof, and in the substituted Regulation 6 as set out in Regulation 36 (3) (d), in proviso (iv) to paragraph (2) thereof, there shall be substituted for all words after the words "forty years" the words "the amount of the allowance shall be calculated by reference to the last forty years actual service, any non-contributing service within that period being reckoned as contributing service."

14. In Regulation 10, in proviso (iii) thereto, and in Regulation 36, in proviso (ii) to sub-paragraph (e) of paragraph (3) thereof, there shall be substituted for all words after the words "forty years" the words "the sum shall be obtained by reference to the last forty years actual service, any non-contributing service within that period being reckoned as contributing service."

15. In Regulation 13 in proviso (a) to paragraph (2) thereof, there shall be inserted after the word "officer" the words "(not being an officer transferred under the Act or an employee of the Northern Ireland Tuberculosis Authority to whom these regulations apply on the appointed day)".

16. In Regulation 18, in proviso (b) to paragraph (1) thereof, there shall be inserted after the words "those contributions" the words "would not have been returnable or".

17. In Regulation 22, in proviso (a) to paragraph (1) thereof, the words "mental patients or an institution or part of an institution used

for the treatment of defectives ” shall be omitted and the words “persons suffering from illness of a mental or kindred nature or an institution or part of an institution used for the treatment of persons requiring special care within the meaning of PART III of the Mental Health Act (Northern Ireland), 1948 ” substituted therefor.

17A. In Regulation 25 the following paragraph shall be inserted:—

“(1A). The provisions of this regulation shall apply to any person in the employment of the Joint Nursing and Midwives Council for Northern Ireland on the appointed day in the same manner as they apply to a person who satisfies the provisions of paragraph (1) of this regulation.”

18. In Regulation 30, in paragraph (3) (b) thereof, the words “ on being transferred under the Act or ” shall be omitted; there shall be inserted after the words “ date of acquisition ” the words “ or was such a person as is mentioned in paragraph (9) of this Regulation ”; there shall be inserted after the words “ his age ” the words “ at the appointed day or ”; and there shall be inserted after the words “ on which he became an officer ” where those words first occur the words “ whichever is the later”.

19. In Regulation 36 —

(a) sub-paragraph (j) of paragraph (3) thereof shall be omitted; and

(b) the following new sub-paragraph shall be inserted in the said paragraph (3) :—

“(hh) the proviso to Regulation 16 shall not apply in the case of a practitioner ”.

20. In Regulation 39 the following new paragraph shall be inserted—

“(1A) The provisions of the preceding paragraph of this regulation shall not have effect so as to require the payment by a local authority of any transfer value in respect of a person who became an employee of the Northern Ireland Tuberculosis Authority by virtue of the terms of sub-section (1) of Section ten of the Public Health (Tuberculosis) Act (Northern Ireland), 1946 ”.

21. In the Third Schedule to the principal regulations —

(a) in sub-paragraph (3) of paragraph 6 thereof, there shall be inserted a reference to Table 1A, in addition to the references to the Tables there mentioned, and the following new Table shall be inserted after Table 1 —

TABLE IA
SERVICE OF A MALE MENTAL HEALTH OFFICER

Age	Amount appropriate in respect of each £100 of remuneration.		
	£	s.	d.
Under 36	8	9	0
36 and under 37	8	10	0
37 " " 38	8	11	0
38 " " 39	8	12	0
39 " " 40	8	13	0
40 " " 41	8	14	0
41 " " 42	8	16	0
42 " " 43	8	17	0
43 " " 44	8	18	0
44 " " 45	9	0	0
45 " " 46	9	2	0
46 " " 47	9	3	0
47 " " 48	9	5	0
48 " " 49	9	7	0
49 " " 50	9	10	0
50 " " 51	9	13	0
51 " " 52	9	17	0
52 " " 53	10	2	0
53 " " 54	10	7	0
54 " " 55	10	12	0
55 " " 56	10	12	0
56 " " 57	10	7	0
57 " " 58	10	2	0
58 " " 59	9	17	0
59 " " 60	9	11	0
60 and over	£9 5s. 0d. less six shillings for each completed year by which the officer's age exceeds sixty years.		

(b) in the heading of Table I (a) there shall be inserted after the word " Table " the words " IA or ".

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 17th day of January, 1949, in the presence of:—

(L.S.)

Thos. Elwood,

Assistant Secretary.

The Ministry of Finance for Northern Ireland hereby approves the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th day of January, 1949, in the presence of:—

(L.S.)

J. A. McKeown,

Second Secretary.

A draft of the above regulations was approved by resolution of the House of Commons on the 12th day of January, 1949, and by resolution of the Senate on the 13th day of January, 1949.