

HEALTH SERVICES (SUPERANNUATION) AMENDMENT

REGULATIONS*, DATED THE 27TH DAY OF JUNE, 1957, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SUB-SECTION (1) OF SECTION 61 OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1957. No. 116

[C]

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by sub-section (1) of section 61 of the Health Services Act (Northern Ireland), 1948(a), as amended by section 11 of and the Schedule to the Health Services Act (Northern Ireland), 1953(b), and of all other powers enabling it in that behalf, 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), 1957, and shall come into operation on the first day of July, 1957.

(2) These regulations and the Health Services (Superannuation) Regulations (Northern Ireland), 1954(c), shall be construed as one and may be cited together as the Health Services (Superannuation) Regulations (Northern Ireland), 1954 to 1957.

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

“regulation” means regulation contained in the Health Services (Superannuation) Regulations (Northern Ireland), 1954;

“schedule” means schedule to the Health Services (Superannuation) Regulations (Northern Ireland), 1954.

2. In regulation 1—

(a) in paragraph (3) thereof—

(i) in the definition of “additional contributory payment”, before the words “of these regulations” there shall be inserted the words “or regulation 15A”;

(ii) in the definition of “assistant practitioner”, after the words “as such practitioner” there shall be inserted the words “, other than an employee of a medical practitioner for whose employment the consent of the Board is not required”;

(a) 1948. c. 3.

(b) 1953. c. 6.

(c) S.R. & O. (N.I.), 1954 No. 83.

*A draft of the above regulations was approved by resolution of the Senate on the 25th day of June, 1957, and by resolution of the House of Commons on the 26th day of June, 1957.

- (iii) in the definition of "contributing service", after the expression "regulation 15" there shall be inserted the words "or 15A";
 - (iv) in the definition of "pensionable age" the words "for the purposes of the proviso to regulation 7(1) the age of sixty-five years and for all other purposes" shall be deleted;
 - (v) in the definition of "remuneration", before the word "means" there shall be inserted the words "except as provided in regulation 39, paragraph 1 of the fourth schedule and paragraph 1 of Part I of the eighth schedule,";
 - (vi) there shall be inserted the following new definitions:—
 - "judicially separated" means judicially separated in circumstances in which the husband is not required by decree or order of a competent court to contribute to the support of his wife, and is not, in fact, so contributing;
 - "officer", subject as provided in regulation 6(3), has the meaning assigned to it by regulation 3(1).";
- (b) after paragraph (5) thereof there shall be added the following new paragraph:—
- "(6) In these regulations, unless the context otherwise requires, references to an officer's contributions (except references in regulations 5, 15, 25, 27 and 33 and in sub-paragraphs (b) and (c) of paragraph (3) of regulation 39) shall be construed as including references to—
- (a) any sums contributed by him under regulation 5 of these regulations or regulation 4 of the 1948 regulations;
 - (b) any sums paid by him by way of additional contributory payments;
 - (c) any sums contributed, or treated as having been contributed, by him under the Act of 1909, the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations; and
 - (d) any sums contributed by him under any scheme approved by the Ministry under regulation 14(3)(c)(vii)."

3. In regulation 2, at the end of the proviso thereto, there shall be added the words "and subject to the provisions of regulation 43 of these regulations, where a transfer value has become payable before the date of coming into operation of these regulations, any outstanding liability in respect of that transfer

value shall be discharged in the manner in which it would have been required to be discharged if these regulations had not been made."

4. In regulation 3, in paragraph (1) thereof—

(a) in sub-paragraph (b) after the words "any such employment as is mentioned in regulation 14(3)" there shall be inserted the words "or any employment in which he was a participant in the Federated Superannuation Scheme for Nurses and Hospital Officers or in a scheme approved by the Ministry for the purposes of regulation 27(6)";

(b) for sub-paragraph (e) there shall be substituted the following sub-paragraph:—

"(e) any other whole-time officer who at any time since attaining the age of eighteen years has been in the employment of that or any other employing authority, as such whole-time officer or as such a part-time officer as is mentioned in sub-paragraph (h) of this paragraph, for a continuous period of two years or for an aggregate period of two years without having had before the expiration of that aggregate period a break of more than one month at any one time,";

(c) in sub-paragraph (g) after the words "any such employment as is mentioned in regulation 14(3)" there shall be inserted the words "or any employment in which he was a participant in the Federated Superannuation Scheme for Nurses and Hospital Officers or in a scheme approved by the Ministry for the purposes of regulation 27(6)";

(d) for sub-paragraph (h) there shall be substituted the following sub-paragraph:—

"(h) any other part-time officer who devotes the rest of his time to employment under any employing authority, local authority or governing body of a medical school, or who falls within any class or description of persons which the Ministry may designate and who at any time since attaining the age of eighteen years has been in the employment of that or any other employing authority, as such part-time officer or as such a whole-time officer as is mentioned in sub-paragraph (e) of this paragraph, for a continuous period of two years or for an aggregate period of two years without having had before the expiration of that aggregate period a break of more than one month at any one time,";

(e) at the end thereof there shall be substituted for the words "and the term "officer" shall be construed accordingly" the words "and the term "officer" shall

subject to the provisions of paragraph (3) of regulation 6 be construed accordingly”.

5. In regulation 5—

(a) in paragraph (1) thereof there shall be substituted for the proviso to sub-paragraph (a) the following provisos:—

“ Provided that—

- (i) in the case of an officer whose employment is by way of manual labour five per cent. shall be substituted for six per cent. in item (i) of this sub-paragraph and six per cent. shall be substituted for eight per cent. in item (ii) thereof;
- (ii) notwithstanding any other provision of these regulations an employing authority may, instead of calculating separately in respect of each officer the employer's contributions payable by them to the Ministry, calculate by a method approved by the Ministry the total employer's contributions payable by the employing authority in respect of the officers of the employing authority or such class or classes of such officers as may be specified by the Ministry”;

(b) for paragraph (2) thereof there shall be substituted the following paragraph:—

“ (2) Where an officer, on being transferred to other employment under any employing authority, suffers a reduction in his remuneration, or while continuing in the same employment suffers a reduction in his remuneration which is not attributable to his own act, then, if he gives notice in writing to the employing authority, within one month after the reduction, or such longer period as the Ministry may in any particular case allow, that he wishes this provision to apply to him, he shall make contributions under this regulation as if his remuneration had not been reduced:

Provided that the provisions of this paragraph shall not apply or shall cease to apply to an officer who has suffered a reduction in his remuneration in the circumstances aforesaid, if at the time of such reduction, or within twelve months thereafter, he entered or enters other employment in circumstances in which—

- (i) a transfer value was or is payable in respect of him; or
- (ii) the Ministry has made or decides to make a payment in respect of him under paragraph (1) of regulation 41.”;

(c) in paragraph (7) thereof there shall be substituted for the word “Notwithstanding” the words “Subject to the provisions of regulation 39, but notwithstanding”

and after the words "liable to make if" where they first occur there shall be inserted the words "during the period of his national service,".

6. The existing regulation 6 shall be re-numbered regulation 6(1); for the words "sub-paragraph (i) of paragraph (a) of this regulation" therein there shall be substituted the words "sub-paragraph (a) (i) of this paragraph" and there shall be added the following paragraphs—

"(2) A person who, while continuing to be employed in employment under an employing authority, ceases, on or after attaining the age of sixty years, to hold one or more other such employments and on that account ceases to be, in his continuing employment, an officer to whom Part I of these regulations applies, shall be entitled on ceasing to hold that employment to receive from the Ministry—

(a) an annual pension, if on ceasing to be an officer he had completed ten years' service; and

(b) a lump sum retiring allowance, if on ceasing to be an officer he had completed five years' service.

(3) In regulation 7 (except where it occurs for the second time in the proviso to paragraph (1), in proviso (ii) to paragraph (3) and in sub-paragraph (a) of paragraph (7)) and, elsewhere in these regulations, so far as may be necessary for the purpose of calculating a benefit payable under these regulations to or in respect of a person to whom the last preceding paragraph applies, the expression "officer" shall include a person to whom the last preceding paragraph applies."

7. In regulation 7—

(a) in the proviso to paragraph (1) and in proviso (ii) to paragraph (3) thereof for the expression "6(a)(i)" there shall be substituted the expression "6(1)(a)(i)" and for the expression "pensionable age" there shall be substituted the expression "the age of sixty-five years";

(b) for proviso (b) to paragraph (2) thereof there shall be substituted the following proviso:—

"(b) in the case of a married male officer to whose wife, if she survives him, a widow's pension will not become payable because she is such a person as is mentioned in proviso (iv) to paragraph (1) of regulation 12, the amount of the allowance shall be reduced by two-ninths thereof, unless at the time of her marriage to him she was already entitled to a pension under these regulations otherwise than as a practitioner or, being an officer other than a practitioner, had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed;"

- (c) in proviso (c) to paragraph (2) thereof, for the words "in the case of an officer who is a widower or who is divorced or judicially separated from his wife, the wife's death or the divorce or separation having taken place on or after the date on which he first became an officer subject to these regulations or the 1948 regulations, the amount of the allowance shall be a sum equal to the aggregate of the following amounts" there shall be substituted the words "in the case of an officer entitled to a pension or injury allowance who is a widower or who is divorced or judicially separated from his wife and who satisfies the description contained in paragraph (7) of this regulation, the amount of the retiring allowance shall be a sum equal to the aggregate of the following amounts";
- (d) for proviso (ii) to paragraph (4) thereof there shall be substituted the following proviso:—
- "(ii) in the case of a married male officer to whose wife, if she survives him, a widow's pension will not become payable because she is such a person as is mentioned in proviso (iv) to paragraph (1) of regulation 12, the amount of the allowance shall be reduced by two-ninths thereof unless at the time of her marriage to him she was already entitled to a pension under these regulations otherwise than as a practitioner or, being an officer other than a practitioner, had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed;";
- (e) in proviso (iii) to paragraph (4) thereof, for the words "in the case of an officer who is a widower or who is divorced or judicially separated from his wife, the wife's death or the divorce or separation having taken place on or after the date on which he first became an officer subject to these regulations or the 1948 regulations; whether by virtue of Part I or Part II of either of those regulations" there shall be substituted the words "in the case of an officer entitled to a pension or injury allowance who is a widower or who is divorced or judicially separated from his wife and who satisfies the description contained in paragraph (7) of this regulation" and after the words "non-contributing service" there shall be inserted the words "before the said date;";
- (f) in paragraph (5) thereof, for the words "and a pension will not become payable to his widow because she has become such a person as is mentioned in proviso (c) to regulation 12(1)" there shall be substituted the words "and, because she has become such a person as is mentioned in paragraph (8) of this regulation, his wife will not, on his death, become entitled to a widow's pension"; and

(g) there shall be added the following paragraphs:—

“ (7) An officer to whom proviso (c) to paragraph (2) or proviso (iii) to paragraph (4) of this regulation refers is an officer (other than an officer who married in such circumstances that his wife could not become entitled to a widow's pension by reason of proviso (ii) to paragraph (1) of regulation 12 of these regulations or proviso (b) to paragraph (1) of regulation 11 of the 1948 regulations) whose wife died or was divorced or judicially separated from him—

- (a) on or after the date on which he first became an officer within the meaning of these regulations or the 1948 regulations;
- (b) while he was subject to a superannuation scheme the service reckonable in which is reckonable by him for the purposes of these regulations and which provided a widow's pension as one of its benefits; or
- (c) during the period between his leaving employment in which he was subject to any such scheme as is mentioned in the last preceding sub-paragraph and his entry into employment in which he became an officer as aforesaid.

(8) The reference in paragraph (5) of this regulation to a person mentioned in this paragraph is a reference to a person entitled to a pension otherwise than as a practitioner, or a person, being an officer other than practitioner, who has reached such an age and completed such number of years of service as would entitle her to a pension on ceasing to be employed.”

8. In regulation 8 in paragraph (3) thereof, before the word “contracted” the word “has” shall be deleted, after the word “widow” there shall be inserted the words “or to any dependant of his” and after the words “including any right” there shall be inserted the words “of the widow or dependant.”

9. In regulation 9, after the words “average remuneration” there shall be inserted the words “or a sum equal to the amount of his contributions, together with compound interest thereon, whichever is the greater”.

10. In regulation 10—

- (a) in paragraph (2) thereof, for the words “to surrender part of the pension in accordance with the provisions of the preceding paragraph” there shall be substituted the words “, subject to and in accordance with the provisions of the first schedule, to surrender part of the pension to which he may become entitled, in consideration of the grant of a pension to his spouse or any dependant of the person aforesaid on his death, of such value as, according to tables to be prepared from time to time by the Government Actuary,

will be actuarially equivalent at the date on which he ceases to be employed to the value of that part of the pension which is surrendered"; and

- (b) after paragraph (2) thereof there shall be added the following paragraph:—

" (3) A person to whom paragraph (2) of regulation 6 applies may, at any time after ceasing to be an officer and before ceasing to be employed, notify his desire, subject to and in accordance with the provisions of the first schedule, to surrender part of the pension to which he may become entitled in consideration of the grant of a pension to his spouse or any dependant of the person aforesaid on his death, of such value as, according to tables to be prepared from time to time by the Government Actuary, will be actuarially equivalent at the date on which he ceases to be employed to the value of that part of the pension which is surrendered, and if he dies before having become entitled to the pension but after having so notified his desire to surrender a part thereof, he shall be deemed to have become entitled to the pension to which he would have become entitled had he retired on the day preceding the date of his death."

11. In regulation 11—

- (a) in paragraph (b) thereof, there shall be inserted after the word "service" where it first occurs, the words " (other than a person to whom paragraph (2) of regulation 6 applies) "; and

- (b) there shall be inserted after paragraph (c) the following paragraph:—

" (d) a person to whom paragraph (2) of regulation 6 applies dies in the continuing employment referred to in that paragraph and at the date of his death he had completed five years service,".

12. In regulation 12—

- (a) for paragraph (1) thereof there shall be substituted the following paragraph:—

" (1) The widow of a person who dies and who—

(a) was entitled at the time of his death to a pension or injury allowance under these regulations or the 1948 regulations; or

(b) was at the time of his death employed in employment in which he was an officer and had completed not less than ten years service; or

(c) was at the time of his death employed in employment in which paragraph (2) of regulation 6 applied to him and had completed not less than ten years service;

shall be entitled to receive from the Ministry an annual widow's pension:

Provided that a widow shall not be entitled to receive a widow's pension—

- (i) by virtue of sub-paragraph (a) of this paragraph, if the marriage took place on or after the date on which her husband became entitled to the pension or allowance;
- (ii) by virtue of sub-paragraph (a) or (b) of this paragraph, if the husband, before ceasing to be employed, or, if he died while still an officer, before dying, had reached pensionable age or, not having reached pensionable age, would have been entitled to a pension on ceasing to be employed and had completed forty years contributing service, or forty years contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, and the marriage took place on or after the date on which he reached pensionable age or would have been so entitled to a pension as aforesaid;
- (iii) by virtue of sub-paragraph (c) of this paragraph, if the marriage took place after the date on which he ceased to be an officer and became subject to the provisions of paragraph (2) of regulation 6;
- (iv) if the wife was herself entitled to a pension under these regulations otherwise than as a practitioner or became so entitled on the death of her husband, or if, being an officer other than a practitioner, she had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed; or
- (v) if at the date on which the husband became entitled to a pension or injury allowance under these regulations or the 1948 regulations, or at the date of his death, the husband and wife were judicially separated.”;

(b) in paragraph (3) thereof—

- (i) in sub-paragraph (a), for the expression “regulation 6(a)(i)” there shall be substituted the expression “regulation 6(1)(a)(i)”;
- (ii) there shall be inserted after sub-paragraph (b) the following sub-paragraph:—
 - “(c) in the case of the widow of a person to whom paragraph (2) of regulation 6 applies—

- (i) if the person dies within twelve months after ceasing to be an officer, one-third of the pension which would have been payable to him had he become entitled to a pension under regulation 6(1)(a)(i) on the day on which he ceased to be an officer; or
 - (ii) if he dies twelve months or more after ceasing to be an officer, one-third of the pension which would have been payable to him had he ceased to be employed on the day on which he ceased to be an officer;";
 - (iii) in the proviso, for the expression "sub-paragraph (b)" there shall be substituted the expression "sub-paragraphs (b) and (c)";
- (c) in paragraph (5) thereof after the words "injury allowance" there shall be inserted the words ", short service gratuity".

13. After regulation 13 there shall be inserted the following new regulation:—

"Payment of transfer values in lieu of benefits in certain cases.

13A. Notwithstanding anything in the preceding provisions of these regulations, if, on or after ceasing to be employed by an employing authority and before receiving any payment on account of any benefit which apart from this regulation would be payable to him under these regulations a person—

- (a) notifies the Ministry in writing of his impending entry into further employment in circumstances in which (subject to his not having become or being entitled to any benefit under these regulations other than a return of contributions and to compliance with such other conditions as are prescribed) regulation 41 or 45 of these regulations would apply in relation to him, and in pursuance of that notice enters that employment in those circumstances; or
- (b) notifies the Ministry in writing that he has entered such employment in the circumstances aforesaid, then, if he notifies the Ministry that he wishes this regulation to apply in relation to him, the Ministry may (in lieu of any benefit which would otherwise be payable on or after the person's ceasing to be employed by an employing authority) pay such sum as it considers appropriate under paragraph (1) of regulation 41 of these regulations or, as the case may be, a transfer value under paragraph (1) of regulation 45 and, if the Ministry makes any such payment, the person shall be deemed, for the purposes of these regulations, not to have become or to be entitled to a benefit under these regulations."

14. In regulation 14—

- (a) in provisos (a) and (b) to paragraph (2) thereof the words "or equivalent sum" shall be deleted;

- (b) in proviso (c) to paragraph (2) thereof after the words "Belfast Corporation Superannuation Scheme" there shall be inserted the words "(not being service which has become reckonable at its actual length for the purpose of calculating benefits under the Superannuation Acts)";
- (c) after proviso (d) to paragraph (2) thereof there shall be inserted the following proviso:—
 "(dd) where a person left such employment as is mentioned in sub-paragraph (a) of paragraph (3) of this regulation (hereinafter in this proviso called "his first employment") he shall be deemed for the purposes of this paragraph to have entered the employment in which he is an officer within twelve months after leaving his first employment if, since leaving his first employment, there has not been any continuous period of twelve months or longer (excluding any period which by reason of the provisions of these regulations relating to war service and national service either is or becomes reckonable as service or does not preclude the reckoning of a previous period of employment as service) during no part of which he was an officer;"
- (d) in proviso (e) to paragraph (2) thereof, after the word "person" where it first occurs there shall be inserted the words "(other than a person to whom proviso (dd) to this paragraph applies)";
- (e) provisos (f) and (g) to paragraph (2) thereof shall be deleted and there shall be substituted the following provisos:—
 "(f) where a person left employment as an officer in order to enter an approved course of study or training, then, in determining whether the person has had a break in service for the purpose of this paragraph, no account shall be taken of any period spent by him on that course of study or training;
- (g) where a person left employment as an officer, immediately thereafter became engaged in national service and on the termination of that service entered an approved course of study or training, then, in determining whether the person has had a break in service for the purpose of this paragraph, no account shall be taken of any period spent by him on that course of study or training;
- (h) where a person left employment as an officer in order to enter an approved course of study or training and on completion of that course became engaged in national service, he shall be deemed for the purpose of this paragraph to have left that employment at the time when he completed that course of study or training;

- (i) where a person was in employment in which he was subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations and in which he fell within any class or description of persons which the Ministry may designate, then, if he left his former employment in order to enter a course of study or training, in determining whether he has had a break in service for the purpose of this paragraph, no account shall be taken of any period spent by him on that course of study or training if the Ministry is satisfied that by reason of the person's having undertaken the course of study or training the person is better fitted for the duties of his new employment;
- (j) where such a person as is mentioned in the last preceding proviso left the employment in which he was subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, immediately thereafter became engaged in national service and on the termination of that service entered a course of study or training, then, in determining whether the person has had a break in service for the purpose of this paragraph, no account shall be taken of any period spent by him on that course of study or training if the Ministry is satisfied that by reason of the person's having undertaken the course of study or training the person is better fitted for the duties of his new employment;
- (k) where such a person as is mentioned in proviso (i) to this paragraph, left the employment in which he was subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations in order to enter a course of study or training, and on completion of that course became engaged in national service, he shall if the Ministry is satisfied that by reason of his having undertaken the course of study or training he is better fitted for the duties of his new employment, be deemed to have left the former employment at the time when he completed that course of study or training.”;
- (f) after paragraph (3) thereof there shall be inserted the following paragraphs:—
- “ (3A) Where a person immediately before entering the employment in which he is an officer (hereinafter in this paragraph called “ his new employment ”) held any other employment under an employing authority (hereinafter in this paragraph called “ his old employment ”) and did not cease to hold his old employment on entering his new employment, any service which he

was entitled to reckon in relation to his old employment immediately before entering his new employment and which is not reckonable under any other provision of these regulations in relation to his new employment shall—

- (a) if he ceases to hold his new employment—
- (i) without having ceased to hold his old employment; or
 - (ii) at the time of ceasing to hold his old employment; or
 - (iii) after having ceased to hold his old employment in such circumstances that he became entitled to a benefit in respect thereof; or
 - (iv) after a transfer value has become payable in respect of his old employment or a payment has been made by the Ministry under regulation 41(1),

be reckonable in relation to his new employment for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating the amount of any such benefit; and

- (b) if he ceases to hold his new employment—
- (i) after having ceased to hold his old employment; and
 - (ii) without having become entitled to any benefit in respect of his old employment; and
 - (iii) without a transfer value having become payable in respect of his old employment or a payment having been made by the Ministry under regulation 41(1),

be reckonable in relation to his new employment to the extent and in the manner in which it was reckonable in his old employment immediately before he entered his new employment.

(3B) Notwithstanding anything contained in the last preceding paragraph—

- (a) where, after taking into account service reckonable under sub-paragraph (a) of the last preceding paragraph, a benefit becomes payable to or in respect of a person to whom that sub-paragraph applies and the amount of that benefit falls to be calculated by reference to any provision of these regulations (hereinafter in this paragraph referred to as "the said provision") prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which was or

would in certain circumstances have become payable to him, then, if the number of years of service reckonable by the person is less than any minimum number of years of qualifying service prescribed for the receipt of the said benefit, the amount of the said benefit, in so far as it is obtained by reference to the said provision, shall be reduced in the same proportion as the difference between the number of years of service so reckonable as aforesaid and the minimum number of years of qualifying service bears to the minimum number of years of qualifying service; and

(b) where a person has become entitled to any benefit under these regulations in respect of service reckonable under sub-paragraph (b) of the last preceding paragraph as contributing or non-contributing service that service shall not subsequently be reckonable in relation to any other employment as contributing or non-contributing service.”;

(g) there shall be substituted for paragraph (5) thereof the following paragraph:—

“(5) Where a person—

(a) immediately after ceasing to be an officer became engaged in national service; or

(b) ceased to be an officer in order to enter an approved course of study or training and immediately after completing that course became engaged in national service,

then if on the termination of that service or within six months thereafter (excluding any period spent by him on an approved course of study or training entered by him on the termination of his national service) the person became an officer, the period of his national service shall be reckonable as a period of service under these regulations:

Provided that if on or after so ceasing to be an officer as aforesaid he received a return of contributions—

(i) no part of such period after the date of the return shall be reckonable as service; and

(ii) the part of such period before the date of the return shall be reckonable only if he has paid or repaid to the employing authority in whose employment he is an officer, within three months after becoming an officer, an amount equal to the sum returned to him together with an amount equal to any income tax which was deducted from his contributions in respect of such return.”;

(h) after paragraph (8) thereof there shall be added the following proviso:—

“ Provided that no part of the said period of two years or of any such period of national service as aforesaid shall be reckonable as service unless, if the said period of two years had been reckonable as service at the time when it was completed, it would be reckonable as service in relation to the employment in which he is an officer.”;

- (i) in paragraph (9) thereof after the words “ there shall be reckonable as service ” there shall be inserted the words “ in relation to any such employment as is mentioned in the next succeeding paragraph of this regulation ”;
- (j) after paragraph (9) thereof there shall be inserted the following paragraph:—

“ (9A) The employments to which the last preceding paragraph refers are—

- (a) the employment to which the person was transferred as mentioned in that paragraph or which he entered in consequence of the acquisition by the Authority under section 67 of the Act of premises at or for the purposes of administering the services provided at which he was employed at the date of acquisition or, in the case of a consultant solely or mainly employed at or for the purposes of a transferred hospital immediately prior to the appointed day, the employment which he entered on that day; and

- (b) any other employment under an employing authority—

- (i) which he entered on being so transferred; or

- (ii) which he entered on entering as aforesaid the employment of an employing Authority in consequence of the acquisition by the Authority under section 67 of the Act of premises at or for the purposes of administering the services provided at which he was employed at the date of acquisition,

being in any such case employment in which he thereupon became an officer.”;

- (k) in paragraph (10) thereof after the words “ within three months after entering their employment ” there shall be inserted the words “, or within such longer period as the Ministry may allow,”;
- (l) for paragraph (11) thereof there shall be substituted the following paragraph:—

“(11) If a person—

- (a) immediately after ceasing to be an officer became engaged in national service; or
- (b) ceased to be an officer in order to enter an approved course of study or training and immediately after completing that course became engaged in national service,

and has become an officer to whom the last preceding paragraph applies, that paragraph shall also apply in respect of the period of that national service other than any part thereof after the date on which contributions may have been returned to him:

Provided that this paragraph shall not apply to a person who has made no payment under regulation 5(7) in respect of his national service.”.

15. In regulation 15—

- (a) in proviso (i) to sub-paragraph (b) of paragraph (1) thereof, for the words “account shall only be taken of that employment to the extent that the Ministry directs” there shall be substituted the words “account shall be taken of that employment to such extent (whether greater or less than its actual length) as the Ministry may direct”;
- (b) in proviso (ii) to sub-paragraph (b) of paragraph (1) thereof, after the words “Local Government Superannuation Regulations” there shall be inserted the words “(not being service which has become reckonable at its actual length for the purpose of calculating benefits under the Superannuation Acts)”;
- (c) after proviso (ii) to sub-paragraph (b) of paragraph (1) thereof there shall be inserted the following new proviso:—

“(iii) if at the time when he ceased to be employed in employment mentioned in sub-paragraph (b)(iv) or (b)(v) of this paragraph a person was in the course of making additional contributory payments under the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, the service in respect of which those contributions were being made shall not be reckonable except in accordance with regulation 15A.”;

- (d) there shall be substituted for paragraph (4) thereof the following paragraph:—

“(4) An officer may, within three months of becoming such officer or within such longer period as the Ministry may allow, elect to make payments in accordance with and subject to the provisions of the second schedule in order to convert any years of non-contributing service reckonable by him to contributing service.”.

16. After regulation 15 there shall be inserted the following new regulation:—

“Continuation of additional contributory payments previously made under the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations

15A. Where a person to whom regulation 14(2) applies—

- (a) has become an officer after leaving employment in which he was subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations; and
- (b) at the time when he left that employment was, or was treated as if he was, in the course of making additional contributory payments under the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations;

he shall be entitled to make the outstanding payments as if they were instalments of a sum payable under the second schedule to these regulations and, if he completes the payments in the manner provided in the second schedule to these regulations, to have the service in respect of which they were made reckoned as contributing service:

Provided that this paragraph shall not apply to any officer who has not, within three months after entering their employment, given notice in writing to the employing authority of his election to continue payments under this regulation and paid to that authority an amount equal to any sum paid to him by way of return of additional contributory payments made in respect of the said period of service on or after ceasing to hold the employment in which he was subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations together with an amount equal to any income tax which was deducted from his additional contributory payments in respect of such return.”.

17. In regulation 16 after the word “regulations” there shall be inserted the words “(except a calculation under the second schedule or the eighth schedule)”.

18. In regulation 17—

- (a) there shall be inserted after proviso (a) to paragraph (1) thereof the following proviso:—

“(aa) in the case of an officer who—

- (i) during the said period of three years ceased to hold any other employment under an employing authority (hereinafter in this regulation called a “concurrent employment”) without being entitled in respect thereof to any benefit under these regulations; and
- (ii) does not hold any other employment in relation to which the concurrent employment is reckonable as service,

the remuneration of the concurrent employment so far as it was earned during the said period of three years shall be taken into account in calculating the annual average of his remuneration during that period;”;

(b) in proviso (e) to paragraph (1) thereof for the words “of the last employment in which he was engaged before undertaking that service” there shall be substituted the words “on which he made contributions in accordance with paragraph (7) of regulation 5”;

(c) there shall be added the following paragraphs:—

“ (3) Except as provided in proviso (f) to paragraph (1) of this regulation the remuneration of any previous employment shall not be taken into account in calculating a person’s average remuneration in relation to his employment as an officer if that remuneration has previously been taken into account in the calculation of his average remuneration in relation to any other employment for the purpose of a benefit payable to him under these regulations in respect of that other employment.

(4) Notwithstanding anything in the preceding provisions of this regulation there shall not be payable to or in respect of an officer to whom proviso (aa) to paragraph (1) of this regulation applies any greater amount by way of superannuation benefits than the aggregate amount which would have been payable to or in respect of him if he had—

(a) continued to hold the concurrent employment to which that proviso refers until the expiration of the period of three years by reference to which his average remuneration was calculated; and

(b) continued to earn remuneration in respect of the concurrent employment at the rate at which he was earning it immediately before he ceased to hold the concurrent employment.”.

19. In regulation 18—

(a) in paragraph (1) thereof for the words “and any person who” there shall be substituted the words “and who holds no other employment in which he is an officer and any person (other than a person to whom paragraph (2) of regulation 6 applies), who”;

(b) in proviso (a) to paragraph (1) thereof, before the word “misconduct” there shall be inserted the word “grave”; and

(c) there shall be substituted for paragraph (3) thereof the following paragraph:—

“ (3) In this regulation the word “contributions” has the meaning assigned to it by paragraph (6) of regulation 1, but only in so far as any sums included in that definition have not been returned to and retained by the person, and are attributable to service

which might have been reckoned under these regulations in relation to the employment he has ceased to hold or in which he has ceased to be an officer or has died.”.

20. In regulation 20—

- (a) in paragraph (1) thereof for the expression “6(a)(1)” there shall be substituted the expression “6(1)(a)(i)”;
- and
- (b) in paragraph (4) thereof for the words “and shall consider the advice they tender, after having interviewed the person and afforded him an opportunity of stating his case,” there shall be substituted the words “and shall consider the advice which, after having interviewed the person and afforded him an opportunity of stating his case, the referee or board of referees tenders to the Ministry”.

21. For regulation 21 there shall be substituted the following regulation:—

“Reduction of pension or injury allowance in certain cases—

21.—(1) Where a person who has become entitled to a pension or injury allowance under these regulations or the 1948 regulations—

- (a) continues to hold any employment (hereinafter in this regulation called a “continuing employment”) which he held immediately before he became entitled to the said pension or injury allowance; or
- (b) since becoming entitled to the said pension or injury allowance has entered employment (hereinafter in this regulation called a “new employment”) whether pursuant to the provisions of the last preceding regulation or otherwise,

and the remuneration of the continuing or new employment is payable out of public funds, then the rate of pension or allowance payable to him at any time during the period during which he holds the continuing or new employment shall not exceed the amount (if any) by which the annual rate of emoluments of the continuing or new employment falls short of the annual rate of remuneration or the annual rate of the average remuneration, whichever is the greater, of the employment in relation to which he became entitled to the pension or allowance, together with the annual rate of remuneration payable in respect of the continuing employment (if any) immediately before he became entitled to the pension or allowance.

(2) Where a person who has become entitled to a pension or injury allowance under these regulations or the 1948 regulations (other than a person to whom the last preceding regulation applies) proposes to accept further employment the remuneration of which will be payable out of public funds, he shall inform his prospective employer that he is so entitled and, if he enters that employment, shall forthwith give notice in writing to the Ministry that he is so employed.

(3) The provisions of paragraph (1) of this regulation apply in relation to a person who holds both a continuing employment and a new employment as they apply to a person to whom either sub-paragraph (a) or sub-paragraph (b) of that paragraph applies.

(4) For the purposes of this regulation a person's annual rate of remuneration shall be computed, in so far as it consisted of or comprised salary, wages or other emoluments, whether in money or in kind, receivable by the person in the employment in relation to which he became entitled to a pension or allowance at a fixed rate, at the rate at which it was payable immediately before he ceased to hold the said employment; and in so far as it consisted of or comprised fees and other emoluments not of a fixed nature, at the average rate at which he received those fees and other emoluments during the three years immediately before he ceased to hold the said employment or, if he was not entitled during the whole of that period to receive those fees and other emoluments, at the average rate for the period during which, within the said period of three years, he was entitled to receive them."

22. In regulation 22, there shall be substituted for the proviso to paragraph (2) thereof the following proviso:—

"Provided that if the person had previously been entitled to a retiring allowance under these regulations or the 1948 regulations, then—

(a) if the amount of the said retiring allowance (hereinafter in this paragraph called "the first allowance") equals or exceeds the amount of the retiring allowance to which, apart from this sub-paragraph, he would be entitled under this paragraph (hereinafter in this paragraph called "the second allowance")—

(i) a retiring allowance shall not be payable under this paragraph; and

(ii) any other benefits payable to or in respect of the person under this paragraph shall be reduced in such manner as the Ministry may determine to be necessary for the purpose of recovering the amount (if any) by which the first allowance exceeds the second allowance;

(b) if the amount of the second allowance exceeds the amount of the first allowance the second allowance shall be reduced by the amount of the first allowance."

23. In regulation 23—

(a) there shall be substituted for the proviso to paragraph (2) thereof the following provisos:—

"Provided that—

(a) where the said pension was granted to an established officer or servant of the first class under the Act of 1909 or to a person having (by virtue of an option exercised under the 1948

- regulations) rights corresponding with the rights of a first class officer or servant under the Act of 1909, the number of years in respect of which the pension was granted shall be multiplied by six-fifths, and any fraction of a year shall be disregarded;
- (b) where the said pension was granted to a person who was a mental health officer or a person having, in respect of years of service over twenty, rights corresponding with those of a mental health officer, each year of which account was taken as if it were two years in calculating the amount of the said pension shall be reckoned as two years for the purposes of this paragraph;
- (c) where, under the proviso to paragraph (1) of regulation 7 of these regulations, or under a similar provision contained in or authorised by any other enactment or scheme, the said pension was calculated by reference to a minimum fraction of remuneration, it shall be deemed to have been granted in respect of years of service equal in number to the numerator of that fraction; and
- (d) any other notional increase or extension of service shall be similarly taken into account for the purposes of this paragraph.”;
- (b) in paragraph (4) thereof for the words “shall be reduced in the same proportion as the difference between the number of years of service so reckonable as aforesaid and five years bears to five years” there shall be substituted the words “shall be either the amount which bears the same proportion to the sum otherwise payable as the period of service so reckonable bears to the period of five years or a sum equal to the amount of his contributions (not being contributions in respect of service taken into account in calculating the pension or injury allowance referred to in paragraph (1) of this regulation) together with compound interest thereon, whichever is the greater”.

24. In regulation 24 after the word “officer” there shall be inserted the words “and regulation 23 might have applied to him if he had ceased to be employed immediately before his death” and for the word “pension” in each place where it occurs there shall be substituted the word “benefit”.

25. In regulation 25—

(a) for proviso (a) to paragraph (1) thereof there shall be substituted the following proviso:—

“(a) for the purposes of this paragraph a person shall not be treated as having had a break in employment of twelve months or more if—

- (i) he left employment as an officer, immediately thereafter became engaged in national service and returned to employment as an officer within six months after the termination of that service; or
 - (ii) he left employment as an officer in order to enter an approved course of study or training and re-entered employment as an officer without having had a break of twelve months or more since leaving his previous employment (no account being taken of the period of the said course of study or training), or within six months after the termination of national service in which he became engaged on completion of that course; or
 - (iii) he left employment as an officer and—
 - (i) immediately thereafter became engaged in national service;
 - (ii) on the termination of that service entered an approved course of study or training; and
 - (iii) re-entered employment as an officer within six months after the termination of his national service (no account being taken of the period of the said course of study or training);”;
- (b) after paragraph (3) thereof there shall be added the following paragraph:—

“ (4) Notwithstanding the preceding provisions of this regulation, if a person in pursuance of an option exercised, or which is treated as having been exercised under regulation 22 of the 1948 regulations has become entitled to a benefit other than a return of contributions, payable under these regulations, and thereafter enters employment in which he is an officer, then, if he cannot in that employment become entitled to any further benefit in pursuance of the aforesaid option, this Part of these regulations shall apply to him in respect of that employment as if he had not exercised the aforesaid option:—

Provided that paragraph (3) of this regulation, in so far as it excludes the application to him of regulations 20 and 21 and provides that in lieu thereof any corresponding conditions prescribed by the enactment or scheme to which he was formerly subject shall attach to his pension or allowance as if it had been granted under that enactment or scheme, shall continue to apply in relation to any pension or allowance payable in pursuance of the aforesaid option under regulation 22 of the 1948 regulations in respect of his former employment.”

26. In regulation 27—

(a) in paragraph (2) thereof the words “has decided so to do,” shall be deleted;

(b) after paragraph (7) thereof the following paragraph shall be added:—

“ (8) Notwithstanding the preceding provisions of this regulation, where a person—

(a) in consequence of a request made by him to the Ministry under this regulation or regulation 24 of the 1948 regulations, has remained subject to the scheme or other arrangements for the provision of superannuation benefits applicable to him before he became an officer; and

(b) after having become entitled to a benefit under any such scheme or arrangements as aforesaid enters employment in which he is an officer, then, if in that employment—

(i) he cannot become entitled to any further benefit under such scheme or other arrangements as aforesaid; and

(ii) the benefit to which he has become entitled is liable to be reduced or suspended in consequence of his having entered the employment in which he is an officer,

this Part of these regulations shall apply to him in that employment as if he had not elected to remain subject to the scheme or other arrangements as aforesaid.”.

27. In regulation 28—

(a) in sub-paragraph (b) of paragraph (2) thereof there shall be inserted after the word “Scotland” where it first occurs the words “or Isle of Man” and at the end of the said sub-paragraph there shall be added the words “or the Governor of the Isle of Man under section 54 of the National Health Service (Isle of Man) Act, 1948”;

(b) for sub-paragraph (b) of paragraph (4) thereof there shall be substituted the following sub-paragraphs:—

“ (b) he left employment as an officer in order to enter an approved course of study or training and re-entered employment as an officer without having had a break of twelve months or more since leaving his previous employment (no account being taken of the period of the said course of study or training), or within six months after the termination of national service in which he became engaged on completion of that course; or

(c) he left employment as an officer and—

- (i) immediately thereafter became engaged in national service;
- (ii) on the termination of that service entered an approved course of study or training; and
- (iii) re-entered employment as an officer within six months after the termination of his national service (no account being taken of the period of the said course of study or training)."

28. After regulation 28 there shall be inserted the following regulation:—

"Discretionary payments in respect of certain officers—

28A. Where by virtue of an option exercised, or which is treated as having been exercised under these regulations or the 1948 regulations, an officer is, at the time when he ceases to be employed as an officer, entitled to enjoy rights corresponding with those which he would have enjoyed if he had remained subject to the provisions of the Act of 1909 the Ministry may, with the approval of the Ministry of Finance, on the officer's so ceasing to be employed make to or in respect of him payments corresponding with any discretionary payments (additional to any payments to which the person would have been entitled as of right in respect of benefits conferred by the Act of 1909) which the Ministry considers would have been made to or in respect of the person if the person had remained subject to the Act of 1909."

29. In regulation 32—

- (a) in sub-paragraph (b) of both paragraph (1) and paragraph (2) thereof there shall be substituted for the expression "the proviso to regulation 12(1)" the expression "proviso (ii) to regulation 12(1)" and there shall be inserted after the expression "33(4)" the words "and sub-paragraphs (f) and (g) of paragraph (3) of regulation 39";
- (b) after paragraph (1) thereof there shall be added the following provisos:—

"Provided that—

- (i) this paragraph shall not apply to a mental health officer who, before completing an aggregate period of twenty years employment in the capacity or capacities as aforesaid, has become a mental health officer to whom paragraph (2) of this regulation applies and has attained the age of fifty years; and
- (ii) in any case in which it would be more advantageous to an officer to whom this paragraph applies or, if he has died, to a person entitled to any benefit in respect of him not to apply sub-paragraph (b) of this paragraph, the provisions of the said sub-paragraph shall not apply to or in respect of him."

(c) after paragraph (2) thereof there shall be added the following proviso:—

“Provided that, in any case in which it would be more advantageous to an officer to whom this paragraph applies or, if he has died, to a person entitled to any benefit in respect of him not to apply sub-paragraph (b) of this paragraph, the provisions of the said sub-paragraph shall not apply to or in respect of him.”;

(d) there shall be substituted for paragraph (5) thereof the following paragraph:—

“(5) Where a person has become an officer otherwise than in the capacity of a mental health officer within twelve months after leaving employment subject to a scheme approved by the Ministry under sub-paragraph (c)(vii) of paragraph (3) of regulation 14 or, if immediately after leaving any such employment he became engaged in national service, within six months after the termination of that service, then, if—

(a) that scheme included provisions as to the reckoning of service which in the Ministry's opinion were substantially similar to the provisions contained in paragraph (1) or (2) of this regulation or this paragraph of this regulation; and

(b) by virtue of the said provisions of the scheme he was entitled to reckon any year of service as if it were two years,

he shall, if the Ministry so directs, continue to be entitled so to reckon any such year if he remains an officer in the employment of any employing authority without a break of twelve months or more at any one time during no part of which he was in employment subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations in which he fell within any class or description of persons which the Ministry may designate.”;

(e) paragraph (6) thereof shall be deleted.

30. In regulation 33—

(a) for proviso (ii) to paragraph (3) thereof there shall be substituted the following provisos:—

“(ii) for the purpose of calculating the amount of any reduction under this paragraph, where a pension is by virtue of the proviso to regulation 7(1) at the rate of twenty-eightieths of an officer's average remuneration, he shall be treated as having reckonable as contributing service in calculating the amount of the pension, and as having paid reduced contributions in respect of, an additional period equal to the difference between the aggregate period of his contributing service and non-contributing service

(non-contributing service being reckoned in calculating that period at half its actual length) and twenty years; and where a pension is by virtue of the proviso to regulation 7(1) increased by reference to service which the officer could have completed, that service shall be reckonable as contributing service after the relevant date;

- (iiA) if by virtue of proviso (e) to paragraph (2) of regulation 14 or of paragraph (3), paragraph (3A) or sub-paragraph (d) of paragraph (5) of regulation 41, a person is entitled to reckon any prior period of employment or any period of war service or national service for the purpose of calculating the pension to which he has become entitled, then, if the period so reckonable was a period during which he paid contributions at an unreduced rate, his pension, in so far as it falls to be calculated by reference to that service, shall not be reduced under the provisions of this regulation;
- (iiB) in the case of an officer (other than an officer to whom paragraph (9) of this regulation applies) who, within twelve months before becoming an officer had been subject to the Act of 1943 or had been subject to the Belfast Corporation Superannuation Scheme and had, immediately before becoming subject to that scheme, been subject to the Act of 1943, sub-paragraph (c) of this paragraph shall have effect as if the references to "service on and after the appointed day" and "service on and after that day" were references respectively to "service before, on and after the appointed day" and "service before, on and after that day";
- (b) in paragraph (8) thereof, after the words "a person subject to" where they first occur there shall be inserted the words "the Act of 1865, the Act of 1869 or" and the proviso shall be deleted;
- (c) in paragraph (9) thereof the proviso shall be deleted;
- (d) in paragraph (11) thereof, in sub-paragraph (a) for the words "or, if immediately after leaving that employment he entered an approved course of study or training, from the time when he completed that course" there shall be substituted the words "(no account being taken of any period spent on an approved course of study or training which he entered after leaving that employment)";
- (e) there shall be added the following paragraph:—

"(12) For the purposes of sub-paragraphs (a) and (b) of paragraph (3) of this regulation and of paragraphs (8) and (9) of this regulation a person shall not be treated as having had such a break as is therein mentioned if—

- (a) he ceased at any time to be an officer, an established civil servant or a person subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations in order to undertake war service or if immediately after ceasing to be employed in any of those capacities he became engaged in national service, but re-entered employment in one of those capacities within six months after the termination of that service;
- (b) he ceased at any time to be an officer in order to enter an approved course of study or training and re-entered employment as an officer without having had a break of twelve months or more since leaving his previous employment (no account being taken of the period of the said course of study or training), or within six months after the termination of national service in which he became engaged on completion of that course; or
- (c) he ceased at any time to be an officer and—
 - (i) immediately thereafter became engaged in national service;
 - (ii) on the termination of that service entered an approved course of study or training; and
 - (iii) re-entered employment as an officer within six months after the termination of his national service (no account being taken of the period of the said course of study or training)."

31. In regulation 35, after the word "misconduct" there shall be inserted the words ", being such an offence or such misconduct".

32. In regulation 39—

- (a) in sub-paragraph (b) of paragraph (2) thereof the words ", in the case of a dental practitioner," and the words ", in the case both of a medical practitioner and of a dental practitioner" shall be deleted and for the words "he has become entitled to make and recover" there shall be substituted the words "regulation 14 of the Health Services (General Dental Services) Regulations (Northern Ireland), 1948(a), or the Health Services (Charges for Drugs and Appliances) Regulations (Northern Ireland), 1952(b), he has become entitled to make, recover and retain";

(b) there shall be substituted for proviso (i) to paragraph (2) thereof the following provisos:—

“ (i) if the practitioner is a dental practitioner and is a party with any other practitioner or practitioners to a partnership agreement then, if such practitioners give notice in writing to the Board stating that for the purposes of these regulations they wish their total remuneration to be allocated between them in the manner provided by this proviso, the total remuneration paid to them by the Board shall for the purposes of these regulations and in respect of a period during which the notice is effective be allocated between them on the basis of their shares in the partnership profits and accordingly in respect of any such period as aforesaid the remuneration of each of them shall be deemed to be such proportion of the total remuneration of such practitioners as the proportion of his share in the partnership profits bears to the total proportion of the shares of such practitioners in those profits;

(iA) if the practitioner is a medical practitioner and is a party with any other practitioner or practitioners to a partnership agreement then—

(i) if such practitioners give notice in writing to the Board stating that for the purposes of these regulations they wish their total remuneration to be allocated between them in the manner provided by this paragraph of this proviso, the total remuneration paid to them by the Board shall, for the purposes of these regulations and in respect of a period during which the notice is effective, be allocated between them on the basis of their shares in the partnership profits and accordingly in respect of any such period as aforesaid the remuneration of each of them shall be deemed to be such proportion of the total remuneration of such practitioners as the proportion of his share in the partnership profits bears to the total proportion of the shares of such practitioners in those profits;

(ii) if such practitioners give notice in writing to the Board stating that for the purposes of these regulations they wish their total remuneration to be allocated between them in the manner provided by this paragraph of this proviso, the total remuneration paid to them by the Board shall, for the purposes of these regulations and in respect of a period during

which the notice is effective, be allocated between them by the Board in such proportions as will ensure that their aggregate superannuable remuneration (as defined in paragraph (2F) of this regulation) in respect of that period is, for the purposes of these regulations and so far as is reasonably practicable, divided fairly between them having regard to their shares in the partnership profits; and the sum allocated by the Board to each practitioner shall be deemed to be his remuneration for the purposes of these regulations;

(iii) if the partnership was constituted before the first day of July, 1957, and no notice has been given by such practitioners in respect of that partnership under proviso (i) to paragraph (2) of regulation 36 of the 1948 regulations or proviso (i) to paragraph (2) of regulation 39 of these regulations as originally made or under either of the preceding paragraphs of this proviso, such practitioners may, before the expiration of six months from the first day of July, 1957, give notice in writing to the Board stating that they wish this paragraph of this proviso to apply in their case and, in that event, for the purposes of these regulations and in respect of the period during which the notice is effective, they shall be treated for the purposes of this paragraph as if they were not in partnership;

(iv) unless any notice given under one of the preceding provisions of this proviso has become effective and except for periods in respect of which such notice has been effective, the total remuneration paid to the practitioners by the Board for any period after the thirty-first day of March, 1957, in respect of which the practitioners have been parties to a partnership agreement, shall be allocated between them, for the purposes of these regulations, in equal shares and the share so allocated to each shall be deemed to be his remuneration for the purposes of these regulations.”;

(c) after paragraph (2) thereof there shall be inserted the following new paragraphs—

“(2A) A notice given under proviso (i) or under paragraph (i) or (ii) of proviso (1A) to paragraph (2) of this regulation—

- (a) shall be signed by all the practitioners who are members of the partnership to which it relates, and unless so signed shall be of no effect;
- (b) shall state as a fraction the share of each practitioner in the partnership profits; and
- (c) may be cancelled or amended by a subsequent notice signed as aforesaid.

(2B) A notice given under paragraph (ii) of proviso (iA) to paragraph (2) of this regulation shall also—

- (a) state in respect of every practitioner who is a member of the partnership and employed by an employing authority other than the Board the name of the employing authority and the remuneration (as defined in paragraph (3) of regulation 1) payable to him by that authority; and
- (b) include an undertaking by the practitioners to give notice in writing to the Board at the end of each quarter stating the remuneration (as defined in paragraph (3) of regulation 1) paid in that quarter by an employing authority other than the Board to any such member of the partnership as is referred to in sub-paragraph (a) of this paragraph.

(2C) A notice given under paragraph (iii) of proviso (iA) to paragraph (2) of this regulation—

- (a) shall be signed by all the practitioners who are members of the partnership to which it relates, and unless so signed shall be of no effect; and
- (b) may be cancelled by a subsequent notice signed as aforesaid.

(2D) A notice given under proviso (i) or (iA) to paragraph (2), and a notice given under sub-paragraph (c) of paragraph (2A) or sub-paragraph (b) of paragraph (2C) of this regulation shall, if it complies with the preceding provisions of this regulation, be effective in the case of a notice given under paragraph (iii) of the said proviso (iA) from the first day of April, 1957, or, if the partnership was constituted after that date from such later date as the partnership may have commenced to be effective, and in any other case from such date as may be agreed between the practitioner by whom it was given and the Board or as may, in default of agreement, be determined by the Ministry; and any such notice as aforesaid given under proviso (i) or proviso (iA) to paragraph (2) of this regulation shall, so long as the partnership subsists, and subject to any amendment made in accordance with the preceding provisions of this regulation, remain effective until it is cancelled.

(2E) Notwithstanding anything in the preceding provisions of this regulation, notice of assent given, or having effect as if given, by practitioners under

proviso (i) to sub-paragraph (b) of paragraph (2) of regulation 39 of these regulations as originally made shall have effect from the first day of July, 1957, as if it were a notice given under proviso (i), or, as the case may be, under paragraph (i) or (ii) of proviso (iA) to paragraph (2) of this regulation; and accordingly references in the preceding provisions of this regulation to a notice given under proviso (i) or (iA) to paragraph (2) of this regulation shall be construed as including a reference to any such notice of assent.

(2F) In this regulation—

- (a) “aggregate superannuable remuneration” means the total of—
- (i) all remuneration paid to any member or members of the partnership in respect of employment under the Board; and
 - (ii) all remuneration (as defined in paragraph (3) of regulation 1) notified by such practitioners to the Board as having been paid to any member or members of the partnership in respect of employment as an officer under any employing authority other than the Board;
- (b) “quarter” means a period of three months ending 31st March, 30th June, 30th September and 31st December.”;
- (d) in sub-paragraph (c) of paragraph (3) thereof there shall be inserted after the words “illness or injury” the words “then, except for the purposes of the provisions of these regulations relating to payment of contributions” and for the words “remuneration in respect of that period at the same annual rate as that at which he was receiving remuneration” there shall be substituted the words “during that period the same average rate of remuneration as he received during the twelve months”;
- (e) in sub-paragraph (f) of paragraph (3) thereof, in the substituted regulation 7—
- (i) for proviso (iii) to paragraph (1) there shall be substituted the following proviso—
 - “(iii) in the case of a practitioner who is entitled to a pension under regulation 6(1)(a)(i), and whose aggregate service in whatever capacity is less than twenty years, any non-contributing service being reckoned at half its actual length, so much of the pension as is payable in respect of service reckonable in employment which he held immediately before he became entitled to the pension, and on ceasing to hold which he became entitled to the pension, shall be

an amount obtained by multiplying the amount of the pension which, but for this proviso would have been payable in respect of the last-mentioned service, by such number of years of service, not exceeding twenty, as he could have completed before attaining pensionable age, any non-contributing service being reckoned as aforesaid, and dividing the product by the number of years of actual service, any non-contributing service being reckoned as aforesaid.”;

- (ii) in proviso (ii) to paragraph (2) there shall be substituted for the words “to whose widow a pension” the words “to whose wife, if she survives him, a widow’s pension”, there shall be substituted for the expression “proviso (c)” the expression “proviso (iv)” and after the words “two-ninths thereof” there shall be inserted the words “, unless at the time of her marriage to him she was already entitled to a pension under these regulations otherwise than as a practitioner or, being an officer other than a practitioner, had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed”;
- (iii) in proviso (iii) to paragraph (2) there shall be inserted after the word “practitioner” where it first occurs the words “entitled to a pension or injury allowance” and there shall be substituted for the words “the wife’s death or the divorce or separation having taken place on or after the date on which he first became subject to these regulations or the 1948 regulations, in whatever capacity” the words “and who satisfies the description contained in paragraph (4A) of this regulation”;
- (iv) in paragraph (3) for the expression “proviso (c) to regulation 12(1)” there shall be substituted the expression “proviso (iv) to regulation 12(1)”;
- (v) after paragraph (4) there shall be added the following paragraph—

“ (4A) a practitioner to whom proviso (iii) to paragraph (2) of this regulation refers is a practitioner (other than a practitioner who married in such circumstances that his wife could not become entitled to a widow’s pension by reason of proviso (ii) to paragraph (1) of regulation 12 of these regulations, proviso (b) to paragraph (1) of regulation 11 of the 1948 regulations or the corresponding provisions of

the proviso to paragraph (1) of regulation 11 of the 1948 regulations as originally made) whose wife died or was divorced or judicially separated from him—

- (a) on or after the date on which he became subject to these regulations or the 1948 regulations, in whatever capacity,
 - (b) while he was subject to a superannuation scheme the service reckonable in which is reckonable by him for the purposes of these regulations, and which provided a widow's pension as one of its benefits; or
 - (c) during the period between his leaving employment in which he was subject to any such scheme as is mentioned in the last preceding sub-paragraph and his entry into employment in which he became subject to these regulations or the 1948 regulations as aforesaid.”;
- (f) in sub-paragraph (g) of paragraph (3) thereof, after proviso (ii) there shall be added the following proviso—
- “ (iii) for the purposes of regulation 9, regulation 11 and paragraph (4) of regulation 7 as substituted by sub-paragraph (f) of this paragraph the average remuneration of a dental practitioner whose service as such practitioner exceeds three years shall be calculated by reference to all periods of service as such practitioner.”;
- (g) in sub-paragraph (k) of paragraph (3) thereof, for the expression “proviso (ii) to paragraph (4) of regulation 7” there shall be substituted the expression “proviso (iii) to paragraph (4) of regulation 7”;
- (h) at the end of sub-paragraph (n) of paragraph (3) thereof there shall be added the following words—
- “ (being, in relation to a practitioner, his remuneration as defined in sub-paragraph (b) of paragraph (2) of this regulation and, in relation to an assistant practitioner, his remuneration as defined in paragraph (3) of regulation 1 as modified by sub-paragraph (a) of paragraph (4) of this regulation) and the practitioner, so long as he remains a practitioner, shall not be subject to any of the provisions of these regulations except this provision ”;
- (i) at the end of paragraph (3) thereof there shall be added the following sub-paragraph—
- “(o) There shall be reckonable for the purpose of calculating the amount of a benefit payable to or in respect of a practitioner under these regulations not only all periods of contributing and non-contributing service reckonable as

service in relation to the employment which he has ceased to hold, but also all periods of contributing and non-contributing service not otherwise reckonable—

- (i) which were reckonable on his ceasing to hold any previous employment in which he was, or was deemed to be, a practitioner;
- (ii) which have not previously been taken into account for the purpose of calculating any benefits payable under these regulations; and
- (iii) which have not ceased (in consequence of a payment made in respect of him under paragraph (1) of regulation 41 or under regulation 45 or by reason of his having ceased to be employed for a period of twelve months or more during no part of which he was, or was treated as if he was, an officer of any employing authority) to be reckonable under these regulations;

Provided that no period of service in respect of which the practitioner has received a sum by way of return of contributions shall be reckonable under this paragraph unless, under the provisions of these regulations or the 1948 regulations, an equivalent sum plus any income tax deducted in respect of the sum returned to him by way of return of contributions has subsequently been repaid by him to the Ministry, or the Ministry has subsequently received in respect of that service a transfer value or payment by virtue of the receipt of which that service thereupon became reckonable for the purpose of calculating benefits under these regulations or the 1948 regulations.

- (j) in paragraph (5) thereof the expression "(i)" shall be deleted and at the end thereof there shall be added the following words—

“and to the further modification that if the person is a mental health officer to whom the provisions of paragraph (1) or paragraph (2) of regulation 32 apply as respects the calculation of any benefit to which he becomes entitled as a person rendering specialist services pursuant to section 21 of the Act, the remuneration in respect of each year of which by virtue of the said provisions account is to be taken as if it were two years, shall, for the purpose of calculation of benefits but for no other purpose, be deemed to be a sum equal to twice the amount of the actual remuneration in respect of such year.”

33. Before regulation 41 there shall be inserted the following new regulation:—

“Definition of ‘the prescribed time limit’”

40A. In this Part of these regulations “the prescribed time limit” means a period of twelve months after leaving employment as an officer or, in the case of a person who immediately after leaving such employment became engaged in national service, a period of six months after the termination of that service:

Provided that in the case of a person who after leaving employment as an officer has entered employment in which he is subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations and in which he falls within any class or description of persons which the Ministry may designate there shall be excluded in reckoning the aforesaid period of twelve months or, as the case may be, the aforesaid period of six months, any period spent on a course of study or training if, under the provisions of the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, the period of that course is excluded in determining for the purpose of the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations whether his previous service is reckonable in his new employment, and if, under the provisions of the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, in determining whether his previous service is reckonable in his new employment, he is deemed to have left employment as an officer on completion of a course of study or training, any period of national service in which he became engaged on completion of that course shall be deemed to have begun immediately after he left employment as an officer.”

34. In regulation 41—

(a) there shall be substituted for paragraphs (1) and (2) thereof the following paragraphs:—

“(1) Where a person has left employment in which he was an officer and, within the prescribed time limit and without having become entitled to any benefit under these regulations other than a return of contributions, has become a participant in the superannuation scheme operated under the Federated Superannuation System for Universities or the Federated Superannuation Scheme for Nurses and Hospital Officers or any other superannuation scheme approved by the Ministry for the purposes of this paragraph, he may within three months thereafter, or within such longer period as the Ministry may in any particular case allow, notify the Ministry that he desires the provisions of this paragraph to apply to him, and in that event, if—

(a) the body administering the scheme undertakes to invest or secure the investment of such sum as is hereinafter mentioned for the person’s

benefit under the scheme and (unless the Ministry dispenses with this requirement) to comply with the provisions of paragraph (2) of this regulation; or

- (b) the Ministry is satisfied, having regard to the character of the scheme, that no such undertaking can be given but is satisfied that the benefits for which the scheme provides are adequately secured,

the Ministry may pay to that body a sum not exceeding at its discretion either the amount of the transfer value which would have been payable under regulation 45 had he become employed in circumstances in which that regulation applied, or the amount of a transfer value calculated in accordance with the provisions of the fourth schedule:

Provided that this paragraph shall not apply in respect of any person who received a return of contributions on or after leaving employment as an officer of an employing authority unless within three months after having become a participant in such superannuation scheme as is mentioned in this paragraph, or within such longer period as the Ministry may in any particular case allow, he has paid to the Ministry an amount equal to the sum paid to him by way of return of contributions on or after his leaving employment as an officer together with an amount equal to any income tax which was deducted from his contributions in respect of such payment.

(1A) Where a person has left employment in which paragraph (1) or (2) of regulation 32 or paragraph (4) or (5) of that regulation was applicable to him and, within the prescribed time limit and without having become entitled to any benefit under these regulations other than a return of contributions has become subject to a scheme approved by the Ministry under regulation 14(3)(c)(vii) and by virtue of the provisions of that scheme he becomes entitled to reckon as if it were two years any year of contributing service which he had been entitled so to reckon by virtue of the provisions of paragraph (1) or (2) of regulation 32 or by virtue of paragraph (4) or (5) of that regulation then, in calculating any sum payable under paragraph (1) of this regulation, the Ministry may take account of any such year as if it were two years.

(2) If a person to whom the provisions of paragraph (1) of this regulation or paragraph (1) of regulation 38 of the 1948 regulations have been applied, ceases to participate in the scheme in circumstances in which he becomes entitled to a benefit based solely on his contributions thereunder, and the body administering the scheme pays to the Ministry a sum equal to the sum received by the body pursuant to the provisions of paragraph (1) of this regulation or of such other

regulation as aforesaid in respect of the person, then the Ministry shall pay to him a sum equal to the amount which would have been paid to him by way of return of contributions on his ceasing to be employed as an officer or on the termination of his national service, as the case may be, if no payment had been made in respect of him under paragraph (1) of this regulation or of such other regulation as aforesaid.”;

(b) in paragraph (3) thereof for the words “any sum returned to him by the body administering the scheme under the last preceding paragraph in respect of his contributions under these regulations or the 1948 regulations, together with an amount equal to any income tax or equivalent sum which was deducted in respect of such return” there shall be substituted the words “any sum paid to him by the Ministry under the last preceding paragraph, together with an amount equal to any income tax which was deducted in respect of such payment”;

(c) after paragraph (3) thereof there shall be inserted the following paragraph:—

“(3A) If a person to whom the provisions of paragraph (1) of this regulation had been applied—

(a) leaves the employment in which he is a participant in the scheme in circumstances other than those in which paragraph (2) of this regulation applies; and

(b) within twelve months after leaving that employment and within five years after ceasing to be employed as an officer again enters employment in which he is an officer; and

(c) within three months after entering the last-mentioned employment notifies the employing authority by whom he is employed in that employment that he desires the provisions of this paragraph to apply to him,

then if the body administering the scheme pays to the Ministry a sum equal to the sum received by them pursuant to the provisions of paragraph (1) of this regulation in respect of the person, he shall be entitled to reckon such service as he would have been entitled to reckon had there been no break between his ceasing to be an officer and his again becoming an officer as aforesaid.”;

(d) in paragraph (4) thereof for the words “the last preceding paragraph” there shall be substituted the words “paragraphs (3) and (3A) of this regulation”;

(e) in paragraph (5) thereof—

(i) for the words “, within twelve months after ceasing to be employed as an officer by an employing authority or, if immediately after he so ceased he became engaged in national service, within six

- months after the termination of that service," there shall be substituted the words "has left employment in which he was an officer and, within the prescribed time limit";
- (ii) after the words "three months" there shall be inserted the words ", or such longer period as the Ministry may allow,";
 - (iii) in sub-paragraph (d) after the word "shall" where it first occurs there shall be inserted the words ", if he repays to the Ministry a sum equal to the amount (if any) paid to him by way of return of contributions on or after ceasing to hold the approved employment, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment,";
- (f) in paragraph (6) thereof there shall be added after the word "regulations" the words "and does not become and is not an officer of any employing authority".

35. In regulation 42—

- (a) in paragraph (1) thereof for the words ", within twelve months after leaving employment as an officer of an employing authority or, in the case of a person who immediately after leaving such employment became engaged in national service within six months after the termination of that service," there shall be substituted the words "has left employment in which he was an officer and, within the prescribed time limit";
- (b) there shall be substituted for proviso (ii) to paragraph (1) thereof the following proviso:—
 - "(ii) for all the purposes of this paragraph, any period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period, and except in the calculation of any qualifying period of service, any period of non-contributing service shall be treated as being half its actual length.";
- (c) in paragraph (2) thereof after the words "established civil servant" there shall be inserted the words "to whom the last preceding paragraph applies".

36. In regulation 45—

- (a) in paragraph (1) thereof, for the words "within twelve months after leaving employment as an officer of an employing authority or, in the case of a person who immediately after leaving such employment became engaged in national service, within six months after the termination of that service", there shall be substituted the words "has left employment as an officer and within the prescribed time limit", and for

the words "in accordance with a method approved by the Ministry" there shall be substituted the words "calculated in accordance with the provisions of the eighth schedule";

(b) paragraph (2) thereof shall be deleted.

37. In the first schedule—

(a) in paragraph 1 thereof, after the word "entitled" where it occurs for the second time in sub-paragraph (a) there shall be inserted the words "(or, in the case of a person to whom paragraph (2) or (3) of regulation 10 applies, of the pension to which he would be entitled if he ceased to be employed)" and for the words "equal to one-fourth of the amount of the reduced pension or allowance" in sub-paragraph (c) there shall be substituted the words "of twenty-six pounds per annum";

(b) in paragraph 3 thereof, for the expression "regulation 10(2)" there shall be substituted the words "paragraph (2) or (3) of regulation 10";

(c) in paragraph 8 thereof, there shall be substituted for sub-paragraph (1) the following sub-paragraph:—

"(1) A person who has given a notification of his desire to surrender part of his pension or injury allowance under these regulations may cancel or amend the notification by a notice in writing given to the employing authority at any time before he has been informed by the Ministry that his surrender has been accepted."

(d) in paragraph 9 thereof, there shall be substituted for sub-paragraph (1) the following sub-paragraph:—

"(1) A notification given by a person under this schedule shall become null and void if—

(a) the beneficiary dies before the person has been informed by the Ministry that his surrender has been accepted; or

(b) the person dies at any time before midnight on the day on which the Ministry decides to accept the surrender; or

(c) a person to whom regulation 10(3) applies again becomes an officer and has not at that time attained pensionable age or completed forty years contributing and non-contributing service, the non-contributing service being reckoned at half its actual length."

(e) after paragraph 9 thereof, the following new paragraph shall be added:—

"10. A notice in writing sent by an employee to his employing authority under paragraph 4 or 8 of this schedule, and information given by the Ministry to an employee under paragraph 7 of this schedule of acceptance or non-acceptance of the employee's notification of his desire to surrender part of his pension or injury allowance shall, if posted in a properly addressed prepaid envelope, be deemed to have been received by the person to whom it was addressed at the time at which a letter would have been delivered in the ordinary course of post."

38. In the second schedule—

(a) in the heading, after the words "Regulations 14(10), (11) and (12) and 15(3), (4) and (6)" there shall be inserted the words "and regulation 15A";

(b) in paragraph 1 thereof for the words "any period" there shall be substituted the words "any completed year" and for the words "within three months after his becoming an officer" there shall be substituted the words "in accordance with the provisions of the regulation applicable in his case";

(c) for sub-paragraph (b) of paragraph 3 thereof there shall be substituted the following sub-paragraph:—

"(b) if the officer becomes entitled to a pension, retiring allowance or short service gratuity, or if a widow's pension or death gratuity becomes payable in respect of him, a deduction in respect of any amount due may be made from any payments on account of such pension, retiring allowance, short service gratuity, widow's pension or death gratuity;"

(d) for sub-paragraph (d) of paragraph 3 thereof there shall be substituted the following sub-paragraph:—

"(d) if the officer ceases to hold his employment without having become entitled to a pension or retiring allowance, then, at the expiration of twelve months or, if immediately after ceasing to hold his employment the officer became engaged in national service, at the expiration of six months after the termination of that service, the officer shall cease to be entitled to any rights in respect of payments made by him on account of the debt, except any right to a return of the amount of such payments, and his liability in respect of the balance of the debt shall cease, unless within that period the officer, without in the meantime having become subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations enters employment in which he is an officer of an employing authority or an established civil servant, in which event, subject as hereinafter provided, his liability in respect of the balance of the debt shall continue, and the officer shall pay or repay an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return;

Provided that where a person—

- (i) ceased at any time to be an officer, immediately thereafter became engaged in national service and returned to employment as an officer within six months after the termination of that service, or
- (ii) ceased at any time to be an officer in order to enter an approved course of study or training and re-entered employment as an officer within twelve months (no account being taken of the period of the said course of study or training), or within six months after the termination of national service in which he became engaged on completion of that course, or
- (iii) ceased at any time to be an officer, immediately thereafter became engaged in national service, on the termination of that service entered an approved course of study or training and re-entered employment as an officer within six months after the termination of his national service (no account being taken of the period of the said course of study or training),

he shall not be treated as having ceased to be entitled to any rights in respect of payments made by him on account of the debt and, subject as hereinafter provided, his liability in respect of the balance of the debt shall continue and he shall pay or repay an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return;”

39. In the fourth schedule in paragraph 1 thereof, in the definition of “the material date”, after the words “employing authority” there shall be added the words “or, if on ceasing to hold that employment he became engaged in national service and continued during the whole or part of that service to make the contributions required by regulation 5, the last date in respect of which he made those contributions” and in the definition of “remuneration”, after the word “annual” where it occurs for the second time, there shall be inserted the word “pensionable”.

40. After the seventh schedule there shall be inserted the following new schedule:—

EIGHTH SCHEDULE

PROVISIONS FOR THE CALCULATION OF TRANSFER VALUES PAYABLE BY THE MINISTRY UNDER REGULATION 45, AND DIRECTIONS FOR THE USE OF THE SUB-JOINED TABLES IN CONNEXION THEREWITH

Regulation 45

PART I

TRANSFER VALUE PAYABLE IN RESPECT OF A PERSON WHO HAS CEASED TO HOLD ONE EMPLOYMENT AS AN OFFICER OF AN EMPLOYING AUTHORITY AND HAS ENTERED ONE OTHER EMPLOYMENT

1. In this Part of this schedule, the following expressions, unless the context otherwise requires, have the respective meanings hereby assigned to them:—

“the material date” in relation to any person in respect of whom a transfer value is being calculated, means the date on which he ceased to hold his employment under the employing authority or, if on ceasing to hold that employment he became engaged in national service and continued during the whole or part of that service to make the contributions required by regulation 5, the last date in respect of which he made those contributions;

“age” in relation to a person to whom the proviso to regulation 40A applies, means his age at the date on which he became subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, and in relation to any other person, means his age at the material date;

“remuneration” in relation to a practitioner means the annual average of his remuneration in respect of all periods of service as a practitioner, in relation to a person who by virtue of regulation 25 of these regulations or regulation 22 of the 1948 regulations was not required to pay contributions means the annual pensionable remuneration of his employment under the employing authority at the material date and in relation to any other person means the annual remuneration of his employment under the employing authority on which contributions were payable by him on the material date;

Provided that—

- (a) if, for the purposes of the foregoing definition account is required to be taken of any fees payable to a person, other than a practitioner, in respect of any employment, the amount thereof shall be taken to be the annual average of the fees payable to him in respect of that employment during the three years immediately preceding the material date or, if that period was of shorter duration, such shorter period;
- (b) references in the foregoing definition to contributions payable by a person shall include references to contributions which would have been payable by him but for any reduction in or suspension of his remuneration by reason of his absence from duty owing to ill-health or injury;

“service” in relation to a person who in the employment he has ceased to hold was in the whole-time employment of a single employing authority means, in respect of any period of previous part-time employment, whole-time service for a proportionately reduced period; and

“contributing service” in relation to a person to whom, at the date on which he ceased to hold the employment in relation to which the transfer value is payable, sub-paragraph (b) of either paragraph (1) or (2) of regulation 32 applied, or to whom paragraph (4) or (5) of that regulation applied, and who in the employment he has entered has become subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations and falls within any class or description of persons which the Ministry may designate includes any additional years which, at the date on which he ceased to hold the employment in relation to which the transfer value is payable he was entitled to reckon by virtue of sub-paragraph (b) of either paragraph (1) or (2) of regulation 32, or by virtue of paragraph (4) or (5) of that regulation.

2. In the case of a person who at the date on which he ceased to hold the employment in relation to which the transfer value is payable was making but had not completed making payments in accordance with paragraph (10), (11) or (12) of regulation 14, paragraph (3), (4) or (6) of regulation 15 or regulation 15A as a condition of—

- (a) reckoning any period of non-contributing service as contributing service; or
- (b) reckoning any period of employment as service,

then—

- (i) if in the employment the person has entered he continues to make payments and to enjoy rights in respect of the aforesaid non-contributing service or period of employment corresponding with the payments he would have made and the rights he would have enjoyed under these regulations if he had not ceased to hold the employment in relation to which the transfer value is payable, the aforesaid non-contributing service or period of employment shall be reckonable as contributing service; and
- (ii) if in the employment the person has entered he does not continue to make such payments and enjoy such rights as aforesaid the aforesaid non-contributing service or period of employment shall only be reckonable as service to the extent, if any, to which it would have been reckonable at the date on which he ceased to hold the employment in relation to which the transfer value is payable if payments had not been made by him under paragraph (10), (11) or (12) of regulation 14, paragraph (3), (4) or (6) of regulation 15 or regulation 15A, as the case may be.

3. Subject as hereinafter provided, the transfer value payable in respect of any person shall be the aggregate of the sums respectively calculated in accordance with the following provisions by reference to his contributing service, if any, and by reference to his non-contributing service, if any:

Provided that—

- (a) in the case of a person, not being a practitioner, whose service includes service as a practitioner, separate transfer values shall be calculated in respect of his service in the two capacities, by reference to his remuneration as such person and his remuneration as a practitioner respectively;
- (b) in the case of a practitioner whose service includes service otherwise than as a practitioner, separate transfer values shall be calculated in respect of his service in the two capacities, as if in relation to his service otherwise than in the capacity of a practitioner the material date for the purpose of ascertaining his remuneration was the date on which he ceased to hold his last employment before becoming a practitioner, and his remuneration was the annual remuneration of the employment on which contributions were payable by him on that date or, if in that employment he was not an officer of an employing authority the annual emoluments of that employment;
- (c) in the case of a person whose contributing service, together with his non-contributing service (if any) reckoned at half its actual length, exceeds forty years, the calculation required to be made by reference to his contributing service and non-contributing service shall be made by reference to forty years contributing service, and if he is such a person as is mentioned in proviso (a) or (b) to this paragraph, his service as a practitioner and his service in any other capacity shall be reduced proportionately to their actual lengths, any non-contributing service being reckoned at half its actual length;
- (d) the transfer value shall be reduced—
 - (i) by an amount equal to any sum together with any interest on any sum which, when the person ceased to hold the employment in relation to which the transfer value is payable, was paid to him by way of a return of contributions or of sums which were or were deemed to be additional contributory payments (excluding, in the case of a person to whom sub-paragraph (ii) of paragraph 2 of this Part of this schedule applies, any such payments as are mentioned in that paragraph which he was in the course of making but had not completed making at the date on which he ceased to hold the employment in relation to which the transfer value is payable), and by a further amount equal to any income tax which was deducted from such contributions or such sums in respect of such return; and
 - (ii) in the case of a person to whom sub-paragraph (i) of paragraph 2 of this Part of this schedule applies by an amount equal to any amount which when the person ceased to hold the employment in relation to which the transfer value is payable remained to be paid by him under paragraph (10), (11) or (12) of regulation 14, paragraph (3), (4) or (6) of regulation 15 or regulation 15A as a condition of reckoning any period of non-contributing service as contributing service or reckoning any period of employment as service.

4.—(1) If after a transfer value has been paid relating to the former employment of a person in respect of his entry into one other employment being a part-time employment, that person, within the prescribed time limit (as defined in regulation 40A) while retaining that part-time employment and without having ceased to hold any other employment which he may have held at the material date as an officer of an employing authority, enters other part-time employment in which he is an officer of an employing authority, or a person subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, the transfer value payable shall be calculated under the provisions of this Part of this schedule as if the person had simultaneously entered all the employments he has entered on or after the material

date and as if his remuneration in relation to each part-time employment he has entered were such proportion of his remuneration (as defined in paragraph 1 of this Part of this schedule) as the annual remuneration of that part-time employment bears to the aggregate amount of the annual remuneration of the part-time employments, and the transfer value already paid shall be adjusted accordingly.

(2) References in sub-paragraph (1) of this paragraph to the annual remuneration of a part-time employment shall be construed as references to the annual remuneration of that employment on which superannuation contributions are payable.

Contributing service

5.—(1) The sum to be calculated by reference to a person's contributing service shall be ascertained in accordance with the provisions of this paragraph.

(2) The amounts shown under the heading "contributing service" in the appropriate column of the relative Table in relation to an age which corresponds with that of the person are to be multiplied respectively by the number of years and of months aggregating less than one year, of contributing service reckonable at the material date.

(3) The sum of the two products aforesaid is an amount appropriate in respect of £100 of remuneration.

(4) A total amount is to be calculated proportionately by reference to the remuneration of the person.

(5) Where a person's service has not been continuous and each of two or more periods thereof consists of or includes a period of contributing service of less than one month, then, if a sum falls to be calculated under sub-paragraph (2) of this paragraph the periods of contributing service of less than one month shall be aggregated and, of the aggregate, each period of thirty days shall be counted as one month and any number of days smaller than thirty shall be disregarded.

(6) Where a person has less than one month's service the transfer value payable in respect of that service shall be the aggregate of the contributions paid or payable by him and by the employing authority by whom he was employed in respect of that service after deduction of an amount equivalent to any sum paid to the person by way of a return of contributions and of any sum which may have been deducted from his contributions on account of income tax in respect of such return.

Non-contributing service

6.—(1) The sum to be calculated by reference to a person's non-contributing service shall be ascertained in accordance with the provisions of this paragraph.

(2) The amount shown in the column under the heading "non-contributing service" in the relative Table in relation to an age which corresponds with that of the person is to be multiplied by the number of years of non-contributing service reckonable at the material date. For this purpose a period of six months or more of an uncompleted year shall be treated as a completed year, and any shorter period shall be disregarded.

(3) The product aforesaid is an amount appropriate in respect of £100 of remuneration.

(4) A total amount is to be calculated proportionately by reference to the remuneration of the person.

(5) Where a person's service has not been continuous and each of two or more periods thereof consists of or includes a period of non-contributing service of less than one month, the periods of non-contributing service of less than one month shall be aggregated and, of the aggregate, each period of thirty days shall be counted as one month, and any number of days smaller than thirty shall be disregarded.

7. In the case of a person to whom paragraph (1) of regulation 33 of these regulations or of regulation 30 of the 1948 regulations applied immediately before the material date, any sum calculated under paragraphs 5 and 6 of this Part of this schedule in respect of any period of service of which account would have been taken under paragraph (3) of regulation 33 of these regulations or of regulation 30 of the 1948 regulations in calculating the amount of the reduction of any pension to which the person might have become entitled under these regulations or the 1948 regulations shall be reduced by the sum shown in the appropriate column of Table VI set out in the second schedule to these regulations in relation to the person's age (as defined in this Part of this schedule), in respect of each one pound of the amount of the reduction of the pension as aforesaid in respect of that period of service, and by a proportionate sum in respect of any fraction of a pound included in the said amount.

PART II

TRANSFER VALUE PAYABLE IN RESPECT OF A PERSON WHO HAS CEASED TO HOLD ONE EMPLOYMENT AS AN OFFICER OF AN EMPLOYING AUTHORITY AND HAS ENTERED TWO OR MORE OTHER PART-TIME EMPLOYMENTS

1. The transfer value payable in any case to which this Part of this schedule applies shall be calculated in accordance with the provisions of Part I of this schedule, except paragraph 4 thereof, and those provisions shall apply accordingly, but subject to the following provisions of this Part of this schedule:

Provided that the provisions of paragraph 7 of Part I of this schedule shall only apply in relation to a part-time employment in which the person has become subject to provisions of an enactment or scheme which are substantially to the same effect as the provisions of paragraph (3) of regulation 33 of these regulations and by virtue of which any benefit by way of annual amounts to which the person may become entitled may be reduced with reference to any service of which account is taken in the calculation of the transfer value.

2.—(1) For the purposes of paragraphs 5 and 6 of Part I of this schedule the expression "remuneration" shall, in relation to each of the part-time employments which a person has entered, be construed as meaning such proportion of his remuneration (as defined in paragraph 1 of Part I of this schedule) as the annual remuneration of that part-time employment bears to the aggregate amount of the annual remuneration of the part-time employments.

(2) References in sub-paragraph (1) of this paragraph to the annual remuneration of a part-time employment shall be construed as references to the annual remuneration of that employment on which superannuation contributions are payable.

3. If after a transfer value has been paid relating to the former employment of a person in respect of his entry into two or more part-time employments, that person, within the prescribed time limit (as defined in regulation 40A) while retaining those part-time employments and without having ceased to hold any other employment which he may have held at the material date as an officer of an employing authority enters other part-time employment in which he is an officer of an employing authority or a person subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, the transfer values payable shall be calculated under the preceding paragraphs of this Part of this schedule as if the person had simultaneously entered all the employments he has entered on or after the material date, and the transfer value already paid shall be adjusted accordingly.

PART III

TRANSFER VALUE PAYABLE IN RESPECT OF A PERSON WHO HAS CEASED TO HOLD A WHOLE-TIME EMPLOYMENT AS AN OFFICER OF AN EMPLOYING AUTHORITY BUT HAS REMAINED IN THE EMPLOYMENT OF THAT OR ANY OTHER EMPLOYING AUTHORITY AS A PART-TIME OFFICER AND HAS ENTERED ONE OR MORE OTHER PART-TIME EMPLOYMENTS

1. The transfer value payable in any case to which this Part of this schedule applies shall be calculated in accordance with the provisions of Part I of this schedule, except paragraph 4 thereof, and those provisions shall apply accordingly, but subject to the following provisions of this Part of this schedule:

Provided that the provisions of paragraph 7 of Part I of this schedule shall only apply in relation to a part-time employment in which the person has become subject to provisions of an enactment or scheme which are substantially to the same effect as the provisions of paragraph (3) of regulation 33 of these regulations and by virtue of which any benefits by way of annual amounts to which the person may become entitled may be reduced with reference to any service of which account is taken in the calculation of the transfer value.

2.—(1) For the purposes of paragraphs 5 and 6 of Part I of this schedule the expression "remuneration" shall, in relation to each part-time employment (not being an employment as an officer of an employing authority) which the person has entered, be construed as meaning such proportion of his remuneration (as defined in paragraph 1 of Part I of this schedule) in the whole-time employment of an employing authority as the annual remuneration of that part-time employment bears to the aggregate amount of the annual remuneration of all the part-time employments including any employment as an officer of an employing authority.

(2) References in sub-paragraph (1) of this paragraph to the annual remuneration of a part-time employment shall be construed as references to the annual remuneration of that employment on which superannuation contributions are payable.

3. If after a transfer value has been paid relating to the former whole-time employment as an officer of an employing authority of a person in respect of his entry into a part-time employment (not being an employment as an officer of an employing authority), that person, within the prescribed time limit (as defined in regulation 40A) while retaining the part-time employments (including any part-time employment as an officer of an employing authority) he has entered, enters other part-time employment in which he is an officer of an employing authority or a person subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, the transfer values payable shall be calculated under the provisions of Part II of this schedule, except paragraph 3 thereof, as if the person had simultaneously entered all the employments he has entered on or after the material date, and the transfer value already paid shall be adjusted accordingly.

TABLE I
SERVICE OF AN OFFICER, NOT BEING AN OFFICER MENTIONED IN
TABLE II OR III

Age (1)	Transfer value per £100 of remuneration in respect of each completed period of											
	Contributing Service						Non-Contributing Service					
	Year (2)			Month (3)			Year (4)					
	£	s.	d.	£	s.	d.	£	s.	d.			
Under 35 ...	36	...	...	9	0	0	0	15	0	4	10	0
35 and under	37	...	...	9	0	0	0	15	0	4	10	0
36 " "	38	...	...	9	1	0	0	15	0	4	10	0
37 " "	39	...	...	9	2	0	0	15	0	4	10	0
38 " "	40	...	...	9	3	0	0	15	0	4	10	0
39 " "	41	...	...	9	6	0	0	15	0	4	11	0
40 " "	42	...	...	9	9	0	0	16	0	4	12	0
41 " "	43	...	...	9	12	0	0	16	0	4	13	0
42 " "	44	...	...	9	16	0	0	16	0	4	14	0
43 " "	45	...	...	10	0	0	0	17	0	4	15	0
44 " "	46	...	...	10	4	0	0	17	0	4	17	0
45 " "	47	...	...	10	9	0	0	17	0	4	19	0
46 " "	48	...	...	10	13	0	0	18	0	5	0	0
47 " "	49	...	...	10	17	0	0	18	0	5	2	0
48 " "	50	...	...	11	2	0	0	18	0	5	3	0
49 " "	51	...	...	11	7	0	0	19	0	5	5	0
50 " "	52	...	...	11	12	0	0	19	0	5	7	0
51 " "	53	...	...	11	17	0	0	1	0	5	10	0
52 " "	54	...	...	12	3	0	0	1	0	5	12	0
53 " "	55	...	...	12	9	0	0	1	1	5	15	0
54 " "	56	...	...	12	16	0	0	1	1	5	18	0
55 " "	57	...	...	13	4	0	0	1	2	6	2	0
56 " "	58	...	...	13	13	0	0	1	3	6	6	0
57 " "	59	...	...	14	2	0	0	1	3	6	10	0
58 " "	60	...	...	14	11	0	0	1	4	6	15	0
59 " "	61	...	...	15	1	0	0	1	5	7	0	0
60 " "	62	...	...	15	11	0	0	1	6	7	6	0
61 " "	63	...	...	16	2	0	0	1	7	7	12	0
62 " "	64	...	...	16	13	0	0	1	8	7	18	0
63 " "	65	...	...	17	5	0	0	1	9	8	5	0
64 " "	...	...	...	17	17	0	0	1	10	8	12	0
65 and over	...	...	...	18	0	0	0	1	10	8	14	0

TABLE II

SERVICE OF A FEMALE NURSE, MENTAL HEALTH OFFICER OR
PHYSIOTHERAPIST, MIDWIFE OR HEALTH VISITOR

Age (1)	Transfer value per £100 of remuneration in respect of each completed period of								
	Contributing Service						Non-Contributing Service		
	Year (2)			Month (3)			Year (4)		
	£	s.	d.	£	s.	d.	£	s.	d.
Under 25 ...	8	0	0	0	13	0	1	15	0
25 and under 26 ...	8	7	0	0	14	0	2	2	0
26 " " 27 ...	8	14	0	0	15	0	2	12	0
27 " " 28 ...	9	6	0	0	16	0	3	2	0
28 " " 29 ...	9	19	0	0	17	0	3	12	0
29 " " 30 ...	10	14	0	0	18	0	4	2	0
30 " " 31 ...	11	12	0	0	19	0	4	14	0
31 " " 32 ...	12	8	0	1	1	0	5	6	0
32 " " 33 ...	13	4	0	1	2	0	5	17	0
33 " " 34 ...	13	16	0	1	3	0	6	6	0
34 " " 35 ...	14	7	0	1	4	0	6	14	0
35 " " 36 ...	14	14	0	1	4	0	7	0	0
36 " " 37 ...	14	19	0	1	5	0	7	3	0
37 " " 38 ...	15	4	0	1	5	0	7	6	0
38 " " 39 ...	15	9	0	1	6	0	7	9	0
39 " " 40 ...	15	16	0	1	6	0	7	12	0
40 " " 41 ...	16	3	0	1	7	0	7	16	0
41 " " 42 ...	16	11	0	1	8	0	8	0	0
42 " " 43 ...	16	19	0	1	8	0	8	4	0
43 " " 44 ...	17	8	0	1	9	0	8	8	0
44 " " 45 ...	17	17	0	1	10	0	8	12	0
45 " " 46 ...	18	7	0	1	11	0	8	17	0
46 " " 47 ...	18	18	0	1	12	0	9	2	0
47 " " 48 ...	19	9	0	1	13	0	9	7	0
48 " " 49 ...	20	1	0	1	14	0	9	13	0
49 " " 50 ...	20	13	0	1	15	0	9	19	0
50 " " 51 ...	21	6	0	1	16	0	10	5	0
51 " " 52 ...	21	19	0	1	17	0	10	11	0
52 " " 53 ...	22	12	0	1	18	0	10	18	0
53 " " 54 ...	23	6	0	1	19	0	11	5	0
54 " " 55 ...	24	0	0	2	0	0	11	12	0
55 and over ...	24	10	0	2	1	0	11	17	0

TABLE III

SERVICE OF AN OFFICER WHOSE EMPLOYMENT IS BY WAY OF
MANUAL LABOUR

Age (1)	Transfer value per £100 of remuneration in respect of each completed period of								
	Contributing Service						Non-Contributing Service		
	Year (2)			Month (3)			Year (4)		
	£	s.	d.	£	s.	d.	£	s.	d.
Under 28	6	0	0	0	10	0	3	0	0
28 and under 29	6	1	0	0	10	0	3	0	0
29 " " 30	6	3	0	0	10	0	3	1	0
30 " " 31	6	6	0	0	10	0	3	3	0
31 " " 32	6	8	0	0	11	0	3	4	0
32 " " 33	6	11	0	0	11	0	3	5	0
33 " " 34	6	13	0	0	11	0	3	6	0
34 " " 35	6	15	0	0	11	0	3	7	0
35 " " 36	6	18	0	0	11	0	3	9	0
36 " " 37	7	1	0	0	12	0	3	10	0
37 " " 38	7	6	0	0	12	0	3	12	0
38 " " 39	7	11	0	0	13	0	3	13	0
39 " " 40	7	16	0	0	13	0	3	15	0
40 " " 41	8	1	0	0	13	0	3	17	0
41 " " 42	8	6	0	0	14	0	4	0	0
42 " " 43	8	11	0	0	14	0	4	2	0
43 " " 44	8	17	0	0	15	0	4	4	0
44 " " 45	9	2	0	0	15	0	4	6	0
45 " " 46	9	8	0	0	16	0	4	9	0
46 " " 47	9	14	0	0	16	0	4	11	0
47 " " 48	10	0	0	0	17	0	4	13	0
48 " " 49	10	6	0	0	17	0	4	15	0
49 " " 50	10	12	0	0	18	0	4	18	0
50 " " 51	10	19	0	0	18	0	5	1	0
51 " " 52	11	6	0	0	19	0	5	4	0
52 " " 53	11	13	0	0	19	0	5	7	0
53 " " 54	12	0	0	1	0	0	5	10	0
54 " " 55	12	7	0	1	1	0	5	13	0
55 " " 56	12	14	0	1	1	0	5	17	0
56 " " 57	13	1	0	1	2	0	6	1	0
57 " " 58	13	8	0	1	3	0	6	4	0
58 " " 59	13	15	0	1	3	0	6	8	0
59 " " 60	14	2	0	1	4	0	6	11	0
60 " " 61	14	9	0	1	4	0	6	15	0
61 " " 62	14	16	0	1	5	0	6	19	0
62 " " 63	15	3	0	1	5	0	7	4	0
63 " " 64	15	13	0	1	6	0	7	10	0
64 " " 65	16	3	0	1	7	0	7	16	0
65 and over	16	6	0	1	7	0	7	18	0

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 27th day of June, 1957, in the presence of

(L.S.)

J. L. O. Andrews,
Minister of Health and Local Government.

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 28th day of June, 1957, in the presence of

(L.S.)

Terence O'Neill,
Minister of Finance

EXPLANATORY NOTE

(This note is not a part of the regulations but is intended to indicate their general purport.)

These regulations amend the Health Services (Superannuation) Regulations (Northern Ireland), 1954 in certain respects. The principal changes are:—

- (a) provision is made to ensure that where a person holding two or more pensionable employments gives up one of those employments he shall not be deprived of the pension rights earned in the employment or employments in which he continues to serve;
- (b) new arrangements are made for the division for superannuation purposes of the joint remuneration of a partnership of general medical practitioners. If the partners so choose they can elect to have this division made in one of several ways. Failing such an election the remuneration will be divided for superannuation purposes between the partners in equal shares;
- (c) provision is made for the average remuneration of a dental practitioner for the purpose of calculating certain superannuation benefits to be taken over the whole of his service;
- (d) revised tables are provided for the calculation of transfer values payable by the Ministry in respect of persons who have become subject to the Belfast Corporation Superannuation Scheme or the Northern Ireland Local Government Officers' Superannuation Scheme.

Some amendments concerning matters of administrative detail, which are consequential upon the changes in the 1954 regulations, are also included.