

1959. No. 95

[C]

**HEALTH SERVICES (SUPERANNUATION) AMENDMENT**

REGULATIONS\*, DATED THE 2ND DAY OF JUNE, 1959, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SECTION 61 OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

The Ministry of Health and Local Government, in exercise of the powers conferred on it by 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 by section 8 of the Health Services Act (Northern Ireland), 1958(c), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1959.

(2) These regulations, the Health Services (Superannuation) Regulations (Northern Ireland), 1954(d), the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1957(e), and the Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland), 1957(f), shall be construed as one and may be cited together as the Health Services (Superannuation) Regulations (Northern Ireland), 1954 to 1959.

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

“the principal regulations” means the Health Services (Superannuation) Regulations (Northern Ireland), 1954;

“regulation” means regulation contained in the principal regulations.

2. After regulation 34 there shall be inserted the following new regulations:—

*“Payment without probate in certain cases”*

34A. Where any sum not exceeding one hundred pounds is payable under these regulations to any person or to his legal personal representatives in respect of superannuation benefits or by way of the return of contributions, probate or other formal proof of title of the legal personal representatives may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the Ministry to be beneficially entitled to the personal estate of such person, or to or among one or more of those persons, or in the case of the illegitimacy of such person or of his children, to or among such persons as the Ministry may think fit.

(a) 1948. c. 3.

(b) 1953. c. 6.

(c) 1958. c. 29.

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

(e) S. R. & O. (N.I.) 1957, No. 116.

(f) S. R. & O. (N.I.) 1957, No. 253.

\*A draft of the above regulations was approved by resolution of the Senate on the 26th day of May, 1959, and by resolution of the House of Commons on the 2nd day of June, 1959.

*Disposal of sum payable to a person mentally or physically disabled*

**34B.**—(1) Subject to the provisions of paragraph (3) where any sum is payable under these regulations to any person (in this regulation referred to as the “beneficiary”) who is receiving treatment in a mental hospital or institution within the meaning of the Lunacy and Mental Health Acts (Northern Ireland), 1821 to 1953, the Ministry may pay so much of the said sum as it thinks fit to that hospital or institution to be applied for his benefit, and may pay the residue, if any, or such part thereof as the Ministry thinks fit for or towards the maintenance and benefit of the spouse and relatives of the beneficiary.

(2) Subject to the provisions of paragraph (3), where a beneficiary who is not receiving treatment in a mental hospital or institution as aforesaid is certified by a justice of the peace or minister of religion and by a registered medical practitioner to be unable by reason of mental or physical disability to manage his affairs, the Ministry may pay to the person having the care of the beneficiary so much of the sum payable to the beneficiary as it thinks fit, and may pay the residue, if any, or such part thereof as the Ministry thinks fit, for or towards the maintenance and benefit of the spouse and relatives of the beneficiary.

(3) The Ministry shall not make any payment—

- (a) under paragraph (1) or (2) if a committee, receiver or guardian has been appointed to manage the beneficiary’s estate pursuant to the Lunacy Regulation (Ireland) Act, 1871;
- (b) under paragraph (1) to any hospital or institution towards the cost of treatment which, under any enactment, is to be provided free of charge.”

**3.** In regulation 39—

(a) in sub-paragraph (b) of paragraph (2) thereof, after the words “make, recover and retain,” there shall be inserted the words “and shall, as from the first day of April, 1959, be deemed for all the purposes of these regulations to include also an amount equivalent to the amount of the fees received by him from any health authority in respect of services provided by him in pursuance of arrangements made by the health authority under paragraph (b) of sub-section (2) of section 38 of the Act.”;

(b) for item (i) of sub-paragraph (a) of paragraph (2F) thereof, there shall be substituted the following item:—

“(i) all the remuneration (as defined in sub-paragraph (b) of paragraph (2)) of any member or members of the partnership.”; and

(c) after paragraph (5) thereof there shall be inserted the following additional paragraph:—

“(6) (a) In the case of a medical practitioner to whom paragraph (1) applies who is also providing services in pursuance of arrangements made by a health authority under paragraph (b) of sub-section (2) of section 38 of the Act the health authority shall furnish to the Board at the end of each quarter a statement of the amount of the fees paid to the practitioner in respect of the services provided by him as aforesaid and shall pay to the Board on demand—

- (i) a sum equal to the amount which the Board become liable to pay by virtue of item (ii) of sub-paragraph (1) of regulation 5;
- or

- (ii) a sum equal to the amount which the Ministry becomes liable to pay by virtue of sub-paragraph (n) of paragraph (3) of this regulation;

in consequence of an amount equivalent to the amount of such fees as aforesaid having been deemed to be included in the practitioner's remuneration for the purposes of these regulations.

- (b) Any sum received by the Board by virtue of item (ii) of sub-paragraph (a) shall be remitted to the Ministry after it has been obtained from the health authority."

Sealed with the Official Seal of the Ministry of Health and Local Government this second day of June, nineteen hundred and fifty-nine, in the presence of

(L.S.)

*Ronald Green,*  
Secretary.

The Ministry of Finance hereby approves the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance this second day of June, nineteen hundred and fifty-nine, in the presence of

(L.S.)

*K. R. Shimeld,*  
Assistant Secretary.

---

#### EXPLANATORY NOTE

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

These regulations deal with two matters. They provide that—

- (a) where any sum of not more than £100 is payable under the Health Services Superannuation Scheme in respect of a deceased person the Ministry shall have power to dispense with probate or other formal proof of title and to pay the sum to the person or persons appearing to it to be beneficially entitled and where any sum is payable under the Scheme to a person who is physically or mentally incapable of managing his affairs the Ministry shall have power to pay to the person or body having the care of him such sum as it thinks fit and to apply the residue if any towards the maintenance and benefit of the spouse and relatives of the incapacitated person;
- (b) the fees payable to a medical practitioner by a health authority in respect of maternity medical services shall be taken into account for the purpose of calculating the amount of superannuation contributions and of benefits payable and the health authority shall be required to pay the appropriate employer's contributions.