

1961. No. 23

[C]

## NATIONAL INSURANCE

REGULATIONS, DATED THE 3RD DAY OF FEBRUARY, 1961, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 14 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1959.

WHEREAS the Ministry of Finance has determined under sub-section (4) of section 66 of the National Insurance Act (Northern Ireland), 1946(a), that the Ministry of Health and Local Government is the appropriate department of the Government of Northern Ireland to make regulations under that sub-section modifying the scheme for the provision of pensions and other benefits established by regulations made under sub-section (1) of section 61 of the Health Services Act (Northern Ireland), 1948;

NOW, THEREFORE, the Ministry of Health and Local Government in exercise of the powers conferred on it by the said sub-section (4) as extended by section 14 of the National Insurance Act (Northern Ireland), 1959(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

*Citation and commencement*

1. These Regulations may be cited as the National Insurance (Modification of the Health Services Superannuation Scheme) Regulations (Northern Ireland), 1961, and shall come into operation on the 3rd day of April, 1961.

*Interpretation*

2. In these regulations, unless the context otherwise requires—

“the Act” means the National Insurance Act (Northern Ireland), 1959;

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

“non-participating employment” has the meaning assigned to it by sub-section (2) of section 6 of the Act;

“officer” has the meaning assigned to it by the principal regulations and includes a practitioner within the meaning of those regulations who is an employed person for the purposes of the National Insurance Act (Northern Ireland), 1946;

“optants scheme” means a superannuation scheme which describes the superannuation benefits to which an officer is entitled by reason of his having elected, pursuant to regulations made under sub-section (1) of section 61 of the Health Services Act (Northern Ireland), 1948(d), to retain rights corresponding with those which he previously enjoyed under such a scheme; and

other words and expressions have the same meanings as in the principal regulations.

*Limitation of surrender, commutation, etc., of pensions*

3.—(1) No provision in the principal regulations or in an optants scheme—  
(a) for the surrender, commutation or assignment of a pension, or

(a) 1946. c. 23.

(b) 1959. c. 21.

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

(d) 1948. c. 3.

- (b) for the reduction, termination or suspension of a pension if invoked for any cause other than one prescribed by regulations made under paragraph (c) of sub-section (1) of section 7 of the Act,

so far as it affects any officer who is, or was immediately before he ceased to be employed, in non-participating employment, shall operate so as to reduce a pension payable to an officer who attains the age of sixty-five years in the case of a man, or sixty years in the case of a woman, below such amount as would be equal when expressed as a weekly rate to the graduated retirement pension which would be payable to the officer under the Act in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of his service in respect of a weekly payment of remuneration of £15.

(2) For the purposes of the last foregoing paragraph, "service" means service in a non-participating employment which is reckonable by an officer for the purpose of calculating the amount of any benefit payable to him, except any earlier period of service in respect of which—

- (a) a payment in lieu of contributions has been made under the Act, or  
 (b) equivalent pension benefits satisfying the requirements of Part II of the Act have already been assured to the officer.

(3) Notwithstanding any provision in an optants' scheme to the effect that a benefit may be awarded thereunder at the discretion of the authority administering the scheme, the corresponding rights enjoyed by an officer shall include the right to receive, at the age of sixty-five years in the case of a man, or sixty years in the case of a woman, benefits not less in amount than equivalent pension benefits satisfying the requirements of Part II of the Act.

#### *Rights of Optants*

4.—(1) Where an officer has exercised, or is treated as having exercised, an option conferred by regulations made under sub-section (1) of section 61 of the Health Services Act (Northern Ireland), 1948, to retain rights to superannuation benefits corresponding with those previously enjoyed by him, and the enactment or scheme previously applicable in his case provided that superannuation benefits—

- (a) had to be in the form of, or include, an annual pension; and  
 (b) were not to be payable on attaining the age of sixty years or any lesser age unless the officer had completed a prescribed period of service longer than ten years,

the rights which an officer has elected to retain shall include the right, on ceasing to be employed by an employing authority, to receive the benefits mentioned in paragraph (2) of this regulation if the officer has attained the age of sixty-five years in the case of a man or sixty years in the case of a woman and has completed ten years' service.

(2) The benefits payable to an officer in accordance with paragraph (1) of this regulation are such benefits as would have been payable to him under the principal regulations and the relevant optants scheme in respect of the service reckonable by him immediately before he ceased to hold his employment if he had then reached such age and completed such service as would have entitled him to a benefit thereunder:

Provided that any annual pension so payable shall not, when expressed as a weekly amount, be less than the amount of the graduated retirement benefit which would be payable to the officer under the Act in return for an