

1973. No. 201

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**HEALTH SERVICES SUPERANNUATION**

REGULATIONS, DATED 25TH JUNE 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES WITH THE CONSENT OF THE MINISTRY OF FINANCE UNDER ARTICLE 12 OF THE SUPERANNUATION (NORTHERN IRELAND) ORDER 1972 AND UNDER SECTION 103 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, on behalf of the Secretary of State, in exercise of powers conferred by section 103 of the National Insurance Act (Northern Ireland) 1966(a) (having been determined by the Ministry of Finance to be the appropriate department for the purposes of that section to make regulations modifying the scheme for the provision of pensions and other benefits established by regulations made under section 67 of and Schedule 8 to the Health Services Act (Northern Ireland) 1971(b)) and in exercise of powers conferred by Articles 12 and 14 of the Superannuation (Northern Ireland) Order 1972(c) and of any other powers enabling it in that behalf, after consulting representatives of persons likely to be affected by these regulations, and with the consent of the Ministry of Finance hereby makes the following regulations—

*Citation and commencement*

1. These regulations may be cited as the Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland) 1973 and shall come into operation on 9th July 1973.

*Interpretation*

2. In these regulations "the principal regulations" means the Health Services (Superannuation) Regulations (Northern Ireland) 1962(d) and other words and expressions used have the same meanings as in the principal regulations.

*Amendments relating to practitioner benefits*

3. Regulation 56 of the principal regulations (scales of pension and retiring allowance for a practitioner) shall be amended as follows:—

(1) For paragraph (2)(a) there shall be substituted—

"(2)(a) The pension to be paid in respect of service which is reckonable under these regulations as service as a practitioner shall be 1.4 per cent of the total uprated remuneration in respect of that service, and for the purposes of this sub-paragraph—

(i) subject to regulations 58 and 61(4), a practitioner's total uprated remuneration shall be calculated by uprating his remuneration for all reckonable service as a practitioner in each financial year in such way as the Ministry, after consulting such professional organisations as appear to it to be appropriate, may determine and by adding together the uprated remuneration for each financial year, and

(a) 1966. c. 6 (N.I.).  
(b) 1971. c. 1 (N.I.).

(c) S.I. 1972, No. 1073 (N.I. 10).  
(d) S.R. & O. (N.I.) 1962, No. 237.

(ii) remuneration paid during any financial year for services as a practitioner shall be regarded as being remuneration for such service in that year or, if there was no such service in that year, in the last preceding year in which there was any such service."

(2) In paragraph (2)(b) the words from "and for the purposes of this subparagraph" to the end of the paragraph shall be deleted.

4. The following regulation shall be inserted after regulation 60 of the principal regulations—

*"Reckoning of practitioner service and remuneration"*

61.—(1) In order to determine the total service as a practitioner all periods of service as a practitioner shall be aggregated, and where two or more periods aggregate to 365 days or more each period of 365 days shall be reckonable as one year, service on 29th February in a leap year being disregarded.

(2) Where a pension is payable under regulation 7(1)(a)(i) to a practitioner whose service does not include any service otherwise than as a practitioner, his reckonable service shall be increased as follows—

(a) if his contributing service does not exceed 10 years, by whichever is the less of either a period equal to such service or the period by which such service would have been increased if he had continued to be a practitioner until he had reached the age of 65 years; or

(b) if his contributing service exceeds 10 years, by a period equal to whichever is the greater of the following—

(i) whichever is the less of either the period by which such service is less than 20 years or the period by which such service would have been increased if he had continued to be a practitioner until he had reached the age of 65 years; or

(ii) whichever is the less of either 6 years and 243 days or the period by which such service would have been increased if he had continued to be a practitioner until he had reached the age of 60 years.

(3) Where a pension is payable under regulation 7(1)(a)(i) to a practitioner whose service includes service otherwise than as a practitioner, his aggregate service as a practitioner and as an officer other than a practitioner shall be increased in the manner provided in paragraph (2) of this regulation, the period of service as a practitioner and as an officer other than a practitioner each being increased by the same proportion as the aforesaid aggregate service is increased.

(4) Where service as a practitioner is increased in accordance with paragraph (2) or (3) of this regulation, the total uprated remuneration as a practitioner shall be increased by the same proportion as the service as a practitioner is increased."

5. For the proviso to regulation 28(3) of the principal regulations (calculation of service) there shall be substituted—

"Provided that—

(i) in determining the period by which such service would have been increased if the officer had continued to be employed, no account shall be taken of any provision in these regulations for reckoning any period of service at more than its length; and

- (ii) this paragraph shall not apply to an officer with service as a practitioner, but regulation 61(3) shall apply to such an officer as it applies to a practitioner with service otherwise than as a practitioner.”

6. For regulation 57(2) of the principal regulations (amount of death gratuity, etc.) there shall be substituted —

“(2) For the purposes of regulation 12 and paragraphs (4) and (6) of regulation 56 the average remuneration in respect of a practitioner shall be an amount equal to the annual average of his total uprated remuneration as calculated in accordance with regulation 56(2)(a).”

7. For regulation 58 of the principal regulations (treatment of prior officer service) there shall be substituted—

*“Prior service to be treated as practitioner service*

58. Where any person on first becoming a practitioner other than an assistant practitioner is entitled to reckon ten years or less of contributing service otherwise than as a practitioner such service shall, unless regulation 59 applies to it or the practitioner later has one year or more of employment reckonable as service otherwise than as a practitioner, be treated as service as a practitioner, the remuneration received in respect of that service being disregarded and, for the purposes of calculating any benefit, the total uprated remuneration as a practitioner being increased by the same proportion as the service as a practitioner has been increased.”

8. For regulation 59 of the principal regulations (simultaneous employment as an officer and a practitioner) there shall be substituted—

*“Employment as an officer and as a practitioner*

59. Where a practitioner is entitled to reckon less than a year of contributing service otherwise than as a practitioner, and where an officer with previous service as a practitioner has less than one year of employment reckonable as service otherwise than as a practitioner since last ceasing to be a practitioner, such service otherwise than as a practitioner shall be treated as service as a practitioner.”

#### *Consequential amendments*

9.—(1) In proviso (iii)(iii) to regulation 12(1) of the principal regulations (death gratuity) the words “(other than service deemed to be so reckonable under regulation 56(3)(b))” shall be deleted.

(2) In regulation 57(1)(a) of the principal regulations (amount of death gratuity, etc.) the words “(other than service deemed to be so reckonable under regulation 56(3)(b))” shall be deleted.

(3) In regulation 52(1) of the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1967(e) (transitional provisions) the words “as a practitioner or”, in both places where they appear, shall be deleted.

(4) In proviso (ii) to regulation 44(3) of the principal regulations (modification of benefits and obligations) after the words “or 28A(7)” there shall be inserted the words “or 61(2) or (3)”.

10. For the purposes of part III of the National Insurance (Health Services Superannuation Scheme—Modification and Non-participation) Regulations (Northern Ireland) 1966(f) service added under regulation 61(2) or (3) of the principal regulations shall not be treated as attributable to any period of service in participating employment.

*Revocation*

11. The following regulations of the principal regulations are hereby revoked—

Regulation 34(7), regulation 56(3)(b), (4)(b), (5)(b) and (6)(b).

*Date from which amendments take effect*

12. These regulations shall only apply as from 25th March 1972 in relation to any person who, on or after that date, was an officer or a person to whom regulation 17 of the principal regulations applied.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 25th day of June 1973.

(L.S.)

*F. A. Elliott,*  
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 25th day of June 1973.

(L.S.)

*C. F. Darling,*  
Assistant Secretary.

## EXPLANATORY NOTE

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

These regulations further amend the Health Services (Superannuation) Regulations (Northern Ireland) 1962 which provide for the superannuation of persons engaged in the Health Services.

The main changes are—

- (a) The calculation of benefits for service as a general medical or dental practitioner is related to the remuneration in each year uprated to take account of subsequent increases in levels of earnings instead of being related to the actual remuneration in each 10-year period (regulations 3, 5, 6 and 9).
- (b) Where a practitioner retires on grounds of ill-health a greater period of service may be credited to him and his uprated remuneration increased accordingly, and both his pension and lump sum retiring allowance will be calculated by reference to such increased remuneration (regulations 4 and 10).
- (c) The provisions for the treatment of certain employment as service as a practitioner are revised to take account of the new method of calculating practitioner benefits (regulations 7 and 8).

In accordance with Article 14(1) of the Superannuation (Northern Ireland) Order 1972, these regulations have retrospective effect as from 25th March 1972 (regulation 12).

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As this Order has been classified as local it is not printed at length in this volume. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading WATER AND SEWERAGE.