
STATUTORY INSTRUMENTS

1977 No. 1922

**The National Health Service (Superannuation)
(War Service, etc.) Regulations 1977**

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the National Health Service (Superannuation) (War Service, etc.) Regulations 1977 and shall come into operation on 22nd December 1977.

Interpretation

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

“the principal regulations” means the National Health Service (Superannuation) Regulations 1961 (1), as amended (2);

“additional contributing service” means service an officer is able to reckon by virtue of Part II of these regulations for the purposes of calculating any benefits payable by the Secretary of State under the principal regulations;

“excess remuneration” means in relation to a retired officer of the armed forces of the Crown who is re-employed in those forces, any service pension drawn in respect of such period of re-employment, or any addition to the normal pay attaching to the post in which the officer is re-employed which is granted by reason of the officer's former employment in those forces;

“non-effective pay” includes naval, military and air force pensions, retired pay, and gratuities (other than war gratuities, to which section 23 of the Finance (No. 2) Act 1945, which exempted war gratuities from income tax, applied);

“pension” includes any continuing payment payable by the Secretary of State under regulations 9B, 43, 45 and 46 of the principal regulations;

“public health service employment” means—

- (a) employment in England, Wales, Scotland, Northern Ireland or the Isle of Man which reckoned for the purpose of calculating the amount of any pension under the appropriate National Health Service superannuation scheme;
- (b) pensionable employment in a hospital directly administered by a Government Department;
- (c) employment by a local health authority or school health authority which reckoned for the purpose of calculating the amount of any pension under a public service pension scheme; or

(1) (1961 II, p. 2824).

(2) S.I. 1975/1292 (1975 II, p. 4362).

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- (d) pensionable employment in a medical school, being in London a medical or dental school or a post-graduate institute and elsewhere a department within a school of medicine or dentistry of a university;

“war service” means such service over the age of 18 as is mentioned in section 1 of the Superannuation Act 1946 at any time between 3rd September 1939 and 30th June 1950 (both dates inclusive) but does not include any such war service in respect of which an officer has received, and has not refunded, non-effective pay or excess remuneration;

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

(2) A reference in this Part or in Part II of these regulations to an officer shall be construed to include a reference to—

- (a) a practitioner to whom, by virtue of regulation 62 of the principal regulations, those regulations apply as if he were an officer;
- (b) a person who has become entitled to a pension under the principal regulations or the previous regulations in respect of his employment as an officer;
- (c) a person to whom the provisions of regulation 79 of the principal regulations apply; and
- (d) a person to whom regulation 18(1) of the principal regulations applies,

and any reference in this Part or Part II of these regulations to the principal regulations or to a regulation of the principal regulations shall be construed to include a reference to the previous regulations or the corresponding regulation of the previous regulations.

(3) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except insofar as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument which may re-enact or replace it.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of an Act of Parliament.