
 STATUTORY INSTRUMENTS

1981 No. 1680 (S. 174)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Superannuation) (Scotland)
Amendment Regulations 1981**

<i>Made</i>	- - -	17th November 1981
<i>Laid before Parliament</i>		3rd December 1981
<i>Coming into Operation</i>		24th December 1981

In exercise of the powers conferred on me by sections 10 and 12 of the Superannuation Act 1972(a) and of all other powers enabling me in that behalf, after consulting with such representatives of persons likely to be affected by these regulations as appear to me to be appropriate in accordance with section 10(4) of that Act, and with the consent of the Minister for the Civil Service, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (Superannuation) (Scotland) Amendment Regulations 1981 and shall come into operation on 24th December 1981.

(2) The National Health Service (Superannuation) (Scotland) Regulations 1980(b) and these regulations may be cited together as the National Health Service (Superannuation) (Scotland) Regulations 1980 to 1981.

(3) In these regulations “the principal regulations” means the National Health Service (Superannuation) (Scotland) Regulations 1980 and other words and expressions used have the same meaning as in the principal regulations.

Amendment of regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations (definitions)—

- (a) in the definition of “remuneration” after the words “payments for overtime” there shall be inserted “, payments made in respect of a temporary additional session,”;
- (b) in the definition of “service”, after paragraph (b), there shall be inserted “or” and the following paragraph—
 - “(c) any period of employment in respect of a temporary additional session;”;
- (c) after the definition of “teaching service” there shall be inserted:—
 - “ “temporary additional session” means a session equivalent to an extra notional half-day which a consultant, senior hospital medical officer, senior hospital dental officer or associate specialist has, in exceptional circumstances, undertaken to work and which does not form part of his normal contractual duties;”.

 (a) 1972 c. 11.

(b) S.I. 1980/1177.

Amendment of regulation 46 of the principal regulations

3. In regulation 46(6) of the principal regulations (benefits of certain officers who have opted to retain certain rights)—

(a) for sub-paragraph (d) there shall be substituted—

“(d)(i) where any benefit payable to or in respect of an officer to whom this regulation applies is calculated by reference to the annual average of his remuneration over a final period of his service, regulation 36(2) shall, except where the enactment or scheme applicable in his case contains a corresponding provision, apply in respect of any part of a year of his service;

(ii) where such a benefit as is referred to in sub-paragraph (d)(i) of this paragraph becomes payable on or after 24th December 1981 the annual average of the officer’s remuneration over a final period of his service shall be uprated to equal his remuneration as ascertained under the provision of the enactment or scheme applicable in his case in respect of his final year of paid employment which reckons for the calculation of benefit in accordance with the said sub-paragraph (d)(i):

Provided that—

(i) the provisions contained in provisos (a) and (i) to regulation 38(1) shall be applicable in determining the officer’s remuneration in respect of his final year of paid employment;

(ii) where a person ceased to be an officer to whom this regulation applies before 24th December 1981 the benefit shall be uprated by such factor as in the opinion of the Secretary of State represents the upward movement (if any) in the cost of living from the mid-point of the final period of his service to a point 6 months before the end of that period;”;

(b) In sub-paragraphs (e)(i) and (e)(ii) and proviso (i) to sub-paragraph (e) for the words “(uprated in accordance with sub-paragraph (d)(ii) of this paragraph)” there shall be substituted “(calculated by reference to remuneration uprated in accordance with sub-paragraph (d)(ii) of this paragraph)”;

(c) In sub-paragraph (e)(i) and proviso (i) to sub-paragraph (e) for the words “so uprated” there shall be substituted “so calculated”;

(d) In sub-paragraph (f) for the words “and in the application of regulation 42” to the end of this sub-paragraph there shall be substituted “as if the reference in paragraph (5)(e)(ii) of regulation 42 to average remuneration were a reference to average remuneration uprated in accordance with sub-paragraph (d)(ii) of this paragraph except that proviso (i) to regulation 38(1), which would otherwise apply by virtue of proviso (i) to the said sub-paragraph (d)(ii) shall not apply in relation to such employment which commenced or which, by virtue of regulation 42(4), is deemed to have commenced on or after 24th December 1981.”;

(e) In sub-paragraph (h) for the words “to whom this regulation applies” there shall be substituted “to whom proviso (ii) to sub-paragraph (d)(ii) of this paragraph applies”.

Amendment of regulation 77 of the principal regulations

4. In regulation 77 of the principal regulations (modifications relating to certain officers)—

- (a) in paragraph (2) after the words "part-time employment" there shall be inserted "before 1st January 1980" and after the words "senior hospital dental officer," there shall be inserted "any period of employment as a maximum part-time consultant,";
- (b) after paragraph (2) there shall be inserted the following paragraph—
 - "(3) In this regulation "maximum part-time consultant" means—
 - (a) a consultant appointed to a whole-time consultant post who is paid 10/11ths of the remuneration which he would have received if he had been employed whole-time, or
 - (b) a consultant appointed to a whole-time consultant post before 1st January 1980 who retains the right to which he was entitled on 31st December 1979 to be paid 9/11ths of the remuneration which he would have received if he had been employed whole-time. "

Miscellaneous amendments to the principal regulations

5.—(1) In regulation 42 of the principal regulations (reduction of pension in certain cases), in paragraph (5)(e), after proviso (2) there shall be inserted—

"(3) for the purpose of sub-paragraph (e)(ii) of this paragraph, proviso (i) of regulation 38(1) shall not be applicable in the calculation of the average remuneration;"

(2) In schedule 7 to the principal regulations (purchase of added years under regulation 27) in paragraph 3 for the word "Secretary" there shall be substituted "Secretary".

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
12th November 1981.

Consent of the Minister for the Civil Service given under her official seal on
17th November 1981.

(L.S.) *T. A. A. Hart,*
Authorised by the Minister for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the National Health Service (Superannuation) (Scotland) Regulations 1980 which provide for the superannuation of persons engaged in the National Health Service. Regulations 2 and 4 contain amendments to take account of the changes brought about by the introduction of new terms and conditions of service of consultants and other senior hospital medical and dental staff. Regulation 3 provides for the benefits of certain officers who have chosen to retain the terms of certain superannuation schemes instead of participating in the National Health Service superannuation scheme to be uprated in accordance with a new formula. This formula ensures that those benefits are more closely related to those payable under the National Health Service superannuation scheme. The benefits payable to former officers who retired or who elected not to remain subject to the terms of one of the other superannuation schemes before the coming into operation of these regulations are not affected. Regulation 5 provides for minor corrections of the principal regulations.

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