
STATUTORY INSTRUMENTS

1986 No. 24

The Local Government Superannuation Regulations 1986

PART H

LOCAL GOVERNMENT REORGANISATION ETC

Persons transferred to scheduled bodies under section 18(4)(a) of the National Health Service Reorganisation Act 1973

H6.—(1) This paragraph applies to a person—

- (a) who was by or under an order made under section 18(4)(a) of the National Health Service Reorganisation Act 1973 transferred to the employment of a scheduled body, and
- (b) who immediately before he was so transferred was in an employment in which he was an officer within the meaning of the Health Service regulations, and
- (c) to whom neither paragraph (4) nor paragraph (5) applies.

(2) A person to whom paragraph (1) applies—

- (a) is, subject to paragraph (3), entitled to reckon—
 - (i) as reckonable service any service which for the purposes of the Health Service regulations he was entitled to reckon in relation to the employment mentioned in paragraph (1)(b), as, or as a period of, contributing service, and
 - (ii) as qualifying service any service which for the purposes of those regulations he was entitled to reckon in relation to that employment for the purpose of determining whether he was entitled to a benefit under those regulations, but for no other purpose, and
- (b) where immediately before he was transferred he was in the process of making payments which were or were deemed to be payments under Schedule 2 of the Health Service regulations, is entitled to make the outstanding payments as if they had been instalments of an amount payable under regulation D6 of the 1974 regulations and, if he completes the payments in the manner provided in Schedule 6, to have the service in respect of which they were made counted for all the purposes of these regulations at its full length, and
- (c) where immediately before he was transferred he was in the process of making payments in respect of added years, is entitled to make the outstanding payments as if they had been payments of an amount payable under regulation D10 of the 1974 regulations and in respect of the added years in respect of which those payments are made shall enjoy rights and be subject to liabilities as if those years were added years reckonable under regulation D6 in the employment to which he is so transferred.

(3) For the purposes of paragraph (2)(a) any period of part-time service shall be treated as though it was whole-time service for a proportionately reduced period and, except for the purposes referred to in regulation E26(3), any service which was reckonable under the Health Service regulations for all purposes (other than for the purpose of determining whether any benefit was payable) as a period of contributing service at half its length shall, subject to paragraph (2)(b), be counted at half its length.

(4) Where immediately before he was transferred a person in relation to whom paragraph (1)(a) and (b) are satisfied was a person in respect of whom the Secretary of State paid contributions under regulation 45 of the Health Service regulations (persons subject to non-statutory superannuation schemes and arrangements) or carried out any such scheme or arrangements as are referred to in that regulation, that person shall not be subject to any provisions of these regulations except those contained in this regulation, and the body to which that person was transferred shall—

- (a) where immediately before 1st April 1974 the Secretary of State was under regulation 45 of the Health Service regulations paying in respect of that person the contributions authorised or required by the relevant scheme to be paid by the employer, pay those contributions, and
- (b) deduct from the person's remuneration the amount of any contribution required by the scheme or under the arrangements to be paid by the employee.

(5) In relation to a person who gave notice under regulation J11(3)(e) of the 1974 regulations that he did not wish to avail himself of the benefits provided under those regulations, these regulations have effect as if they conferred on him rights corresponding with those which he would have enjoyed if he had remained subject to the provisions of the Health Service regulations, and continue so to apply so long as he is employed without a disqualifying break of service by a scheduled body on duties reasonably comparable to those on which he was engaged immediately before he was transferred.

(6) Notwithstanding anything in paragraph (5), where that paragraph applies—

- (a) regulation C12(11) has effect as if—
 - (i) sub-paragraph (a) were omitted, and
 - (ii) the reference in sub-paragraph (b) to reckonable service and qualifying service were a reference to service reckonable for the purpose of determining whether any benefit is payable,
- (b) regulation D11 has effect as if—
 - (i) references to qualifying service included references to service reckonable for the purpose of determining whether any benefit is payable,
 - (ii) paragraph (2) were omitted,
 - (iii) in paragraph (3), the reference to regulation E2(1)(c) included a reference to regulation 8(1)(a)(iv) of the Health Service regulations, and
 - (iv) “retirement pension” included a pension payable by virtue of paragraph (5) of this regulation,
- (c) regulation E15 has effect in lieu of regulation 39 of the Health Service regulations and as if—
 - (i) “retirement pension” included a pension payable by virtue of that paragraph, and
 - (ii) for the purpose of ascertaining the remuneration of a former employment, entitlement to such a pension were not an entitlement under these regulations or the 1974 regulations, and
- (d) regulation M1 has effect in lieu of regulation 55 of the Health Service regulations.