
STATUTORY INSTRUMENTS

1991 No. 2419

PENSIONS

The Pensions Increase (Approved Schemes) (National Health Service) Amendment Regulations 1991

<i>Made</i>	- - - -	<i>21st October 1991</i>
<i>Laid before Parliament</i>		<i>28th October 1991</i>
<i>Coming into force</i>	- -	<i>18th November 1991</i>

The Secretary of State for Health, in exercise of the powers conferred by section 13(2), (4) and (5) of the Pensions (Increase) Act 1971⁽¹⁾ and of all other powers enabling him in that behalf, with the approval of the Treasury⁽²⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pensions Increase (Approved Schemes) (National Health Service) Amendment Regulations 1991, and shall come into force on 18th November 1991.

Amendment of Regulations

2.—(1) The Pensions Increase (Approved Schemes) (National Health Service) Regulations 1976⁽³⁾ shall be amended in accordance with the following provisions of this regulation.

(2) For regulation 4B (persons entering other employment on leaving reckonable service with an employing authority) there shall be substituted the following regulation—

“Persons entering other employment on leaving reckonable service with an employing authority

4B. This regulation shall apply to any person who—

- (a) has ceased to be employed by an employing authority and immediately before doing so was in that employment subject to a superannuation scheme; and
- (b) within 12 months, or such longer period as the Secretary of State may allow, of that cessation has entered other employment which is—
 - (i) employment related to the provision of health or allied services; or

(1) 1971 c. 56; section 13(2) was amended by the Superannuation Act 1972 (c. 11), section 29 and Schedule 6, paragraph 88.
(2) See the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670), article 2.
(3) S.I. 1976/1451; the relevant amending instrument is S.I. 1989/711.

- (ii) employment in the civil service of the State, local government, education, the police or the fire service; and
 - (c) is not a person—
 - (i) to whom civil service regulations apply; or
 - (ii) to whom those regulations would apply if regulation 3(2) of those regulations were disregarded, or
 - (iii) to whom the local government regulations apply; and
 - (d) has within 6 months, or such longer period as the Secretary of State may allow, of the coming into force of this regulation, given written notice to the Secretary of State that he wishes the employment to which reference is made in paragraph (b) of this regulation to be taken into account for the purposes of paragraph (e) of this regulation; and
 - (e) does not satisfy the requirements of regulation 4(1)(a)(ii) of these Regulations but would satisfy them if the length of time during which he has been employed in the employment to which reference is made in paragraph (b) of this regulation were added both to the length of time which he has spent in reckonable service and to his age at the time of the cessation mentioned in paragraph (a) of this regulation.”.
- (3) In regulation 4D (special provision for persons becoming superannuable after employment by a local authority), the following paragraph shall be substituted for paragraph (c)—
- “(c) does not qualify for a payment under the local government regulations for any one or more of the following reasons (but for no other reason), namely—
- (i) that when he ceased to be in that employment he had not completed the requisite period of reckonable service,
 - (ii) that when he ceased to be in that employment he had not attained the requisite age, or
 - (iii) that he ceased to be in that employment before 1st April 1972,
- but would qualify for a payment under those regulations if the length of time during which he has been superannuable under the Regulations were added both to the length of time which he has spent in reckonable service and to his age at the time of the cessation mentioned in paragraph (a) of this regulation and the application of the local government regulations were not restricted to persons retiring from a local authority on or after 1st April 1972.”.

Signed by authority of the Secretary of State for Health.

21st October 1991

Virginia Bottomley
Minister of State,
Department of Health

We approve

21st October 1991

Sidney Chapman
Nicholas Baker
Lords Commissioners of Her Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Pensions Increase (Approved Schemes) (National Health Service) Regulations 1976 (“the 1976 Regulations”). Those Regulations provide for payments to certain persons who, having elected to secure their superannuation benefits through schemes which operate by way of insurance policies to produce lump sums or annuities, or both, on retirement (persons who so elect being known as “optants”), have retired from employment in the National Health Service, and would have been eligible for increases under the Pensions (Increase) Act 1971 had they been pensionable under the National Health Service superannuation scheme.

By these Regulations—

- (a) the provision made for optants (and certain other persons) who left the employment of an employing authority and entered certain other employment is amended so that it is no longer expressed to be subject to the approval of the Secretary of State (regulation 2(2)), and
- (b) the provision made for the former local authority employees who have become superannuable under the National Health Service (Superannuation) Regulations 1961 as amended is extended so as to include those who left local authority employment before 1st April 1972 (regulation 2(3)).