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STATUTORY INSTRUMENTS

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**1991 No. 2419**

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

**Amendment of Regulations**

2.—(1) The Pensions Increase (Approved Schemes) (National Health Service) Regulations 1976<sup>(1)</sup> 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
  - (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)—

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(1) [S.I. 1976/1451](#); the relevant amending instrument is [S.I. 1989/711](#).

“(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.”.