

## SCHEDULE M1

### EMPLOYEES AFFECTED BY REORGANISATION UNDER LOCAL GOVERNMENT ACTS ETC.

#### *Transferees under section 18(4)(a) of the National Health Service Reorganisation Act 1973*

6.—(1) Subject to sub-paragraphs (3) and (4), where a person who was transferred to the employment of a LGPS employer (“the new employment”) by or under an order made under section 18(4)(a) of the National Health Service Reorganisation Act 1973(1), was immediately before that transfer in an employment (“the old employment”) in which he was an officer (within the meaning of the Health Service regulations), then—

- (a) subject to sub-paragraph (3), he is entitled to count—
  - (i) as a period of membership any service which for the purposes of the Health Service regulations he was entitled to count in relation to the old employment as, or as a period of, contributing service, and
  - (ii) as a period to which Part II of Schedule B6 applies any service which for the purposes of those regulations he was entitled to count 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 to the Health Service regulations, he is entitled—
  - (i) to make the outstanding payments as if they had been instalments of an amount payable under regulation D6 of the 1974 regulations, and
  - (ii) if he completes the payments in the manner provided in Schedule 6 to the 1986 regulations (as continued in effect by paragraph 9 of Schedule C6), to have the membership 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, he is entitled—
  - (i) to make the outstanding payments as if they had been payments of an amount payable under regulation D10 of the 1974 regulations, and
  - (ii) 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 which may be counted under paragraph 2 of Schedule C6 in the new employment.

(2) For the purposes of sub-paragraph (1)(a)—

- (a) any period of part-time service shall be treated as though it was whole-time service for a proportionately reduced period, and
- (b) except for the purpose of—
  - (i) determining whether a person is entitled to, or to payment of, a benefit, or
  - (ii) ascertaining, where notice was given under Schedule 2 to the Benefits regulations or regulation D6 or D7 of the 1974 regulations, the maximum length of any additional period to which regulation C9 applies,

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(1) 1973 c. 32.

*Status: This is the original version (as it was originally made).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

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 sub-paragraph (1)(b), be counted at half its length.

(3) Where immediately before he was transferred such a person as is mentioned in sub-paragraph (1) was a person in respect of whom the Secretary of State—

- (a) paid contributions under regulation 45 of the Health Service regulations (persons subject to non-statutory superannuation schemes and arrangements), or
- (b) carried out any such scheme or arrangements as are referred to in that regulation,

then, that person shall not be subject to any provisions of these regulations except those contained in this sub-paragraph, and the body to which that person was transferred shall—

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

(4) In relation to a person who gave notice under regulation J17(3)(e) of the 1974 regulations that he did not wish to avail himself of the benefits provided under those regulations and to whom regulation H6(5) applied immediately before the commencement date—

- (a) sub-paragraphs (1) and (2) do not apply, and
- (b) 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 LGPS employer on duties reasonably comparable to those on which he was engaged immediately before he was transferred.

(5) Notwithstanding anything in sub-paragraph (4), where that sub-paragraph applies—

- (a) paragraph 8 of Schedule B6 has effect as if—
  - (i) references to a period to which Part II of that Schedule applies included references to periods of service which count for the purpose of determining whether any benefit is payable,
  - (ii) in sub-paragraph (3), the reference to regulation D8 included a reference to regulation 8(1)(a)(iv) of the Health Service regulations, and
  - (iii) “retirement pension” included a pension payable by virtue of sub-paragraph (4), and
- (b) Part I of Schedule D5 (re-employed pensioners) 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 sub-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, the 1986 regulations or the 1974 regulations, and
- (c) regulation H4 (forfeiture) has effect in lieu of regulation 55 of the Health Service regulations.