

1972 No. 395

PENSIONS

The Pensions Increase (Federated Superannuation Scheme for Nurses and Hospital Officers) (Civil Service) Regulations 1972

<i>Made - - - -</i>	<i>14th March 1972</i>
<i>Laid before Parliament</i>	<i>21st March 1972</i>
<i>Coming into Operation</i>	<i>12th April 1972</i>

The Minister for the Civil Service, in exercise of the powers conferred on him by section 13(2) and (5) of the Pensions (Increase) Act 1971(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Pensions Increase (Federated Superannuation Scheme for Nurses and Hospital Officers) (Civil Service) Regulations 1972, and shall come into operation on 12th April 1972.

Interpretation

2.—(1) In these Regulations—

“the civil service pension scheme” means the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972(b) and for the time being in force;

“dependant” has the meaning assigned to it by section 3(6) of the Pensions (Increase) Act 1971;

“F.S.S.N. scheme” means a superannuation scheme operated under the Federated Superannuation Scheme for Nurses and Hospital Officers;

“reckonable service” has the meaning assigned to it by the Schedule to these Regulations.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) Any reference in these Regulations to the provisions of any enactment or regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended by any subsequent enactment or regulations.

Persons to whom the Regulations apply

3.—(1) These Regulations apply to any person who—

(a) either—

(i) has retired from employment in the civil service of the State after attaining the age of sixty years; or

(a) 1971 c. 56.
(c) 1889 c. 63.

(b) 1972 c. 11.

- (ii) having retired from such employment not earlier than 14th July 1949 before attaining the age of sixty years, has attained that age or satisfies the Minister for the Civil Service that he is disabled by physical or mental infirmity; or
 - (iii) has retired from such employment on account of physical or mental infirmity; or
 - (iv) has retired from such employment and is a woman who has at least one dependant; and
- (b) at the date of his retirement was subject to an F.S.S.N. scheme and had completed ten years' reckonable service; and
- (c) has received, or become entitled to receive, retirement benefit under that scheme.

(2) Notwithstanding the provisions of paragraph (1)(a)(ii) above, these Regulations shall not apply to any person who, within twelve months after retiring from employment in the civil service of the State, has entered any of the employments specified in paragraph 2 of the Schedule to these Regulations.

(3) For the purposes of paragraph (1) above, a person shall be deemed to have retired after attaining the age of sixty years if he retired within twelve months before attaining that age in such circumstances that he became entitled immediately after his retirement to retirement benefit under an F.S.S.N. scheme.

Notional pension and lump sum

4.—(1) There shall be ascribed to every person to whom these Regulations apply a notional pension calculated by multiplying one-eightieth of the average annual amount of the salary and emoluments of his office during the last three years of his reckonable service by the number of completed years of his reckonable service.

(2) Where a person to whom these Regulations apply has retired from the civil service of the State in such circumstances that, if the civil service pension scheme applied to him, a lump sum would become payable to him by way of retiring allowance upon his subsequently attaining a particular age or becoming disabled by physical or mental infirmity before that age, there shall be ascribed to him a notional lump sum, treated as if it became payable on his attaining that age or becoming so disabled, as the case may be, and calculated by multiplying three-eightieths of the average annual amount of the salary and emoluments of his office during the last three years of his reckonable service by the number of completed years of his reckonable service.

(3) In calculating, under paragraph (1) above, the notional pension of a person to whom an allowance was payable before the coming into operation of these Regulations under or by reference to the Pensions Increase (Federated Superannuation Scheme for Nurses and Hospital Officers) (Civil Service) Regulations 1969(a), any fraction of a pound in the resulting sum shall be treated as a whole pound.

Payment of benefit equivalent to pensions increase

5. The Minister for the Civil Service may, in respect of any period beginning on or after 1st September 1971, pay to any person to whom these Regulations apply

(a) S.I. 1969/1293 (1969 III, p. 3833).

an amount equal to the increase which would be payable to him under the Pensions (Increase) Act 1971 if—

- (a) there were payable to him—
 - (i) a superannuation allowance under the civil service pension scheme of an amount equal to the notional pension ascribed to him under Regulation 4(1) above, and
 - (ii) in a case where a notional lump sum is ascribed to him under Regulation 4(2) above, a lump sum allowance under the civil service pension scheme of an amount equal to and becoming payable at the same time as that notional lump sum, and
- (b) any allowance which might (but for the Pensions (Increase) Act 1971) have been paid to him under the Pensions Increase (Federated Superannuation Scheme for Nurses and Hospital Officers) (Civil Service) Regulations 1969 were a relevant increase within the meaning of section 6(10) of that Act.

Given under the official seal of the Minister for the Civil Service on 14th March 1972.

(L.S.)

A. W. Wyatt,
 Authorised by the Minister
 for the Civil Service.

SCHEDULE

Regulations 2(1) and 3(2)

Meaning of reckonable service

1. Subject to the provisions of this Schedule, a person's reckonable service shall be a period equivalent to the aggregate of any periods of employment—
 - (a) which he has spent in any employment described in paragraph 2 below, and
 - (b) which have become reckonable under an F.S.S.N. scheme as described in paragraph 3 below.
2. The employments to which paragraph 1 above relates are—
 - (a) employment in the civil service of the State;
 - (b) employment under an authority which was, or was deemed to be, an employing authority for the purposes of the National Health Service (Superannuation) Regulations 1961(a) or the National Health Service (Superannuation) (Scotland) Regulations 1961(b);
 - (c) employment under an employing authority or a local Act authority within the meaning of section 1(3) of the Local Government Superannuation Act 1937(c) or section 1(6) of the Local Government Superannuation (Scotland) Act 1937(d);
 - (d) employment in which the person was subject to any regulations or scheme made under section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950(e), section 61 of the Health Services Act (Northern Ireland)

(a) S.I. 1961/1441 (1961 II, p. 2824).

(b) S.I. 1961/1398 (1961 II, p. 2697).

(c) 1937 c. 68.

(d) 1937 c. 69.

(e) 1950 c. 10 (N.I.).

- 1948(a) or section 54 of the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald);
- (e) employment by a county or district nursing association during any period when a local health authority had arrangements with, or paid contributions to, that association under Part III of the National Health Service Act 1946(f) or Part III of the National Health Service (Scotland) Act 1947(b).
3. For the purposes of paragraph 1 above, a period of employment shall be deemed to have become reckonable under an F.S.S.N. scheme if—
- (a) during such period the person was subject to an F.S.S.N. scheme and the contributions authorised or required to be paid by the employer were duly paid, or
- (b) such period was taken into account in calculating a sum in the nature of a transfer value paid to that scheme under the National Health Service (Superannuation) Regulations 1961 or any corresponding provision in Scotland, Northern Ireland, or the Isle of Man or under rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(d):
- Provided that—
- (i) so much of any period referred to in sub-paragraph (b) as consisted of non-contributing service shall be reckonable under this paragraph at half its actual length, and
- (ii) so much of any such period as consisted of part-time service shall be reckonable under this paragraph as though it were whole-time service of a proportionately reduced period.
4. For the purposes of Regulation 3(1)(b) of these Regulations, there may be added to the service described in paragraph 1 above:—
- (a) any service which, during such a period of employment as is defined in paragraph 3(b) above, the person was entitled to reckon for the purpose of determining whether he was eligible to receive a pension but not for calculating the amount thereof; and
- (b) any period of employment by a county or district nursing association during which a local authority had arrangements with that association under section 1 of the Midwives Act 1936(e) or section 1 of the Maternity Services (Scotland) Act 1937(f).
5. For the purposes of paragraph 3(a) above no account shall be taken of any period of employment preceding a break of twelve months or more during which the person was not in employment described in paragraph 2 above.

(a) 1948 c. 3 (N.I.).

(c) 1947 c. 27.

(e) 1936 c. 40.

(b) 1946 c. 81.

(d) 1948 c. 33.

(f) 1937 c. 30.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Certain persons who have retired from the civil service receive superannuation benefits through a scheme operated under the Federated Superannuation Scheme for Nurses and Hospital Officers (F.S.S.N.), such benefits being lump sums or annuities or both provided by means of insurance policies.

These Regulations provide for the payment of allowances corresponding to the increases for which the persons concerned would have been eligible under the Pensions (Increase) Act 1971 if they had been pensionable in the normal way under the principal civil service pension scheme. The allowances will be calculated on a "notional pension" and, in certain circumstances, a "notional lump sum" corresponding broadly to the pension and lump sum a person would have received if he had been subject to the principal civil service pension scheme and entitled to reckon under that scheme his service during which he was subject to an F.S.S.N. scheme.

In accordance with the power conferred by section 13(5) of the 1971 Act, the Regulations provide for the increases to take effect from 1st September 1971.

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