
STATUTORY INSTRUMENTS

1977 No. 1922

**The National Health Service (Superannuation)
(War Service, etc.) Regulations 1977**

PART II

WAR SERVICE

Defraying the cost of reckoning additional contributing service

8.—(1) Subject to the remaining paragraphs of this regulation, contributions for the period of an officer's war service shall be deemed to have been payable at an annual rate equal to the amount of the contributions paid by him in the first year of employment after 4th July 1948 in which he contributed to a superannuation scheme and which reckons as contributing service under the principal regulations (other than contributing service reckonable at half-length by virtue of regulation 33(1)(a) of the principal regulations) and there shall be deducted from benefits payable to or in respect of him under the principal regulations, other than a return of his contributions, an amount equal to the aggregate of—

- (a) a sum equal to one-half of the contributions deemed to have been payable as aforementioned for the period of his war service reckonable as additional contributing service; and
- (b) compound interest on that sum at the rate of $3\frac{1}{2}$ per cent per annum with yearly rests from 1st July 1950 until the relevant date as provided in paragraph (4) of this regulation.

(2) A deduction under paragraph (1) of this regulation shall be made in the order specified in sub-paragraphs (a) to (c) of this paragraph as follows—

- (a) where the officer has made an application under regulation 3 of these regulations—
 - (i) from the retiring allowance,
 - (ii) from the pension, and
 - (iii) from the death gratuity (if any),

so, however, that where the officer dies before becoming entitled to receive payment of a retiring allowance, the deduction shall be made from the death gratuity;

- (b) where some other person has made an application as provided in regulation 11 of these regulations—
 - (i) from any payment of death gratuity,
 - (ii) from any additional pension in respect of the officer,
 - (iii) from the widow's pension or child's allowance, and
 - (iv) from any further benefit payable under regulation 14(5) of the principal regulations;
- (c) in any case where a transfer payment is payable under the principal regulations, from the accrued retiring allowance and any outstanding balance shall be recovered from the resulting transfer payment.

(3) In the case of an officer who was in part-time employment in any part of the first year of employment mentioned in paragraph (1) of this regulation, the contributions deemed by that paragraph to have been payable shall be the amount that would have been payable on remuneration which the Secretary of State determines would have been payable in respect of comparable whole-time employment.

(4) The relevant date is—

- (a) in the case of a person who on 17th July 1975 was entitled to a pension, 17th July 1975; or
- (b) in the case of an officer who became or becomes a member of another superannuation scheme on or after 17th July 1975 and a transfer payment under the principal regulations is paid or becomes payable to that scheme in respect of him, the date of his ceasing to be an officer; or
- (c) in any other case, the day preceding that on which the person became or becomes entitled to a pension:

Provided that where a person has become entitled to a pension as mentioned in subparagraph (a) or (c) of this paragraph but has not become entitled to receive payment of that pension because his benefits have been recalculated in accordance with regulation 40 of the principal regulations, the relevant date shall be the date on which his benefits last fell to be recalculated under the said regulation 40 before he became entitled to payment thereof.

(5) Where the Secretary of State has received in respect of an officer a transfer payment from a health service scheme, and that payment has been reduced under a provision corresponding to paragraph (2)(c) of this regulation, there shall be deducted from benefits payable to or in respect of the officer under the principal regulations the amount that would have been deducted from corresponding benefits under that health service scheme.

(6) Where the amount of contributions paid by an officer in the first year of employment mentioned in paragraph (1) of this regulation cannot be ascertained because the records of a former employer are no longer available and the officer, having been invited to do so, cannot provide appropriate records, he shall be regarded as having paid contributions on such remuneration as his former employer was at the time in the practice of paying to a person of the same age and status.

(7) For the purpose of determining the contributions paid in the first year of employment mentioned in paragraph (1) of this regulation, a dental practitioner shall be deemed not to have paid contributions on remuneration in excess of an annual rate of £2,500 in the financial year ending 31st March 1949, £3,000 in the financial year ending 31st March 1950 and £3,500 in the financial year ending 31st March 1951.

(8) Where, for the purposes of section 1 of the National Insurance Act 1946, an officer's contributions in the first year of employment mentioned in paragraph (1) of this regulation were paid at a reduced rate, for the purposes of this regulation his contributions shall be deemed not to have been so reduced, and any pension to which he may become entitled in respect of additional contributing service shall not be reduced under the provisions of regulation 52 of the principal regulations.