
STATUTORY INSTRUMENTS

1977 No. 1922

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

PART III

Reckoning as service of previous employment subject to a non-statutory Superannuation scheme

13.—(1) Subject to paragraph (7) of this regulation, where—

- (a) a person who is subject to the provisions of regulation 45 of the principal regulations and whose superannuation benefits are secured by policies of insurance; or
- (b) a person who is subject to the principal regulations and who became subject thereto on being transferred under the provisions of the National Health Service Reorganisation Act 1973 from employment in which he was subject to the Federated Superannuation Scheme for Nurses and Hospital Officers

elects, not later than 3 months after the operative date of these regulations, or within such longer period as the Secretary of State may in any particular case allow, that this regulation shall apply to him and surrenders to the Secretary of State the policies of insurance by which his superannuation benefits are or were secured, he shall be credited with service calculated in accordance with the provisions of paragraphs (2) and (3) or (5) of this regulation, and if he is a person referred to in sub-paragraph (a) of this paragraph the principal regulations shall apply to him as from the date he surrenders his policies of insurance.

(2) Notwithstanding the definition of service in regulation 2(1) of the principal regulations, where a person elects that this regulation shall apply to him the period during which the policies of insurance were fully maintained shall be reckonable as service at its full length for the purpose of determining whether any benefit is payable to or in respect of him under the principal regulations and for the purpose of calculating such benefit shall reckon in accordance with the provisions of paragraph (3) or (5) of this regulation.

(3) In calculating the service reckonable under the provisions of this regulation—

- (a) any period during which the whole of the relevant insurance policies have been fully maintained up to the date of surrender to the Secretary of State shall, subject to the provisions of sub-paragraph (b) of this paragraph and paragraph (5) of this regulation, be reckonable as contributing service under the principal regulations in the proportion of 9 years' reckonable service for every 10 years of the said period up to 24th March 1972 and in the like proportion for the remainder of the said period, shorter periods being reckoned proportionately;
- (b) any period of part-time employment shall be treated as whole-time employment for a period which bears the same proportion to the period of part-time employment as the number of hours of employment in each week bears to the number of hours which would have constituted whole-time employment, and any period during which less than the full insurance premiums have been paid shall be reduced to a length which bears the same

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proportion to the whole of such period as the amount of insurance premiums paid bears to the full insurance premiums payable.

(4) The benefits in respect of the contributing service reckoning under the provisions of this regulation shall be reduced at the rate specified in regulation 52(3)(c) of the principal regulations and the periods of employment referred to in paragraph (3) of this regulation shall not be treated as participating employment for the purposes of the National Insurance (National Health Service Superannuation Scheme—Modification and Non-participation) Regulations 1976⁽¹⁾

(5) The benefits in respect of any period of employment as a practitioner during which the whole of the relevant insurance policies have been fully maintained up to the date of surrender to the Secretary of State, shall be calculated at 9/10ths of the benefits to which he would have been entitled if he had been subject to the principal regulations other than regulation 64(2)(d) during such period, and such benefits shall be reduced at the rate specified in regulation 52(3)(c) of the principal regulations.

(6) Where a person elects that this regulation shall apply to him, any payments made by him towards the maintenance of the policies of insurance shall be treated for the purposes of regulation 2(8) of the principal regulations as if they were superannuation contributions.

(7) This regulation shall not apply to a person who is subject to any of the following pension schemes—

- (a) the Holloway Sanatorium Pension Scheme;
- (b) the Old Manor, Salisbury, Pension and Life Assurance Scheme;
- (c) the Public Health Laboratory Service Group Pension Scheme.

(8) This regulation shall have effect as from 31st March 1977.

⁽¹⁾ (1976 III, p. 3931).