

## 1986 No. 322

## HEALTH AND PERSONAL SOCIAL SERVICES

**The Health and Personal Social Services (Compensation for Premature Retirement) (Amendment) Regulations (Northern Ireland) 1986**

*Made* . . . . . 15th October 1986

*Coming into operation* . . . . . 26th November 1986

The Department of Health and Social Services, in exercise of the powers conferred by Article 19 of, and Schedule 3 to the Superannuation (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf, and with the consent of the Department of Finance and Personnel(b), hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Health and Personal Social Services (Compensation for Premature Retirement) (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 26th November 1986.

*Interpretation*

2. In these regulations “the principal regulations” means the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983(c).

*Amendment to the definition of “employing authority”*

3. In the definition of “employing authority” in regulation 2 of the principal regulations (interpretation) — for the words “constituted under the Health and Personal Social Services (Northern Ireland) Order 1972(h)” there shall be substituted “concerned with the provision of health services”.

*Amendments relating to crediting of additional period of service*

4. In regulation 5 of the principal regulations (crediting of additional period of service)—

- (a) in paragraph (1) in sub-paragraph (a) the words “not less than 5 years and” shall be deleted;
- (b) in paragraph (9) in sub-paragraph (c) after the words “Superannuation (Northern Ireland) Order 1972” there shall be inserted the words “, Article 3 of the Superannuation (Northern Ireland) Order 1973(d)”.

*Amendments to provisions for payments after the death of a person entitled*

5. In regulation 11(2) of the principal regulations (miscellaneous provisions relating to payment of compensation)—

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(a) S.I. 1972/1073 (N.I. 10)

(b) Formerly the Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3

(c) S.R. 1983 No. 155

(d) S.I. 1973/962 (N.I. 13)

- (a) for “£1,500” there shall be substituted “£5,000 or such higher amount as would for the time being be applicable in relation to the death if these regulations were an enactment to which Section 1 of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967(a) (maximum amount disposable on death without representation) applied”;
- (b) after the words “pay that sum” there shall be inserted the words “to the personal representative or”;
- (c) the words from “, or, in the case of” to “may think fit”, shall be deleted.

*Retrospective effect of these regulations*

6. Regulations 3 and 4(a) of these regulations shall have effect from 1st April 1983 and regulation 5(a) shall have effect from 1st March 1985.

Sealed with the Official Seal of the Department of Health and Social Services on 15th October 1986.

(L.S.)

*H. P. Simpson*

Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 15th October 1986.

(L.S.)

*J. R. Ingram*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

The regulations amend the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983 ("the 1983 Regulations") which provide for the payment of compensation to or in respect of a person who was employed in the Health and Personal Social Services in Northern Ireland and has prematurely retired from that employment.

By regulation 3, the definition of "employing authority" in regulation 2 of the 1983 Regulations is expanded to include such bodies as the Department may approve which are concerned with the provision of health services, even though not constituted under a statute.

Regulation 4 makes minor amendments to paragraphs (1) and (9) of regulation 5 of the 1983 Regulations which provide for an additional period of service to be credited in certain circumstances when calculating the amount of compensation payable.

Regulation 5 amends regulation 11 of the 1983 Regulations which relates to personal representatives and in particular increases the maximum sum payable without proof of title from £1,500 to £5,000 or such higher amount as would for the time being be applicable if these regulations were an enactment to which section 1 of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967 applied.

Regulation 6, in accordance with Article 19(3) of the Superannuation (Northern Ireland) Order 1972, provides for regulations 3 and 4(a) to have effect from 1st April 1983 (the date from which the regulations which they amend have effect) and for regulation 5(a) to have effect from 1st March 1985 (the same date as that from which the Administration of Estates (Small Payments) (Increase of Limit) Order (Northern Ireland) 1985 (S.R. 1985 No. 9) has effect).