

1991 No. 506

HEALTH AND PERSONAL SOCIAL SERVICES**The Health and Personal Social Services (Superannuation,
Premature Retirement and Injury Benefits)
(Amendment) Regulations (Northern Ireland) 1991***Made 27th November 1991**Coming into operation—*

<i>regulations 7, 8 and 11(b)(ii) and (c)</i>	<i>6th April 1988</i>
<i>regulation 11(a)</i>	<i>11th April 1988</i>
<i>regulation 9(a)</i>	<i>15th April 1990</i>
<i>regulations 3, 4 and 6(b)</i>	<i>1st April 1991</i>
<i>remainder</i>	<i>14th January 1992</i>

The Department of Health and Social Services, in exercise of the powers conferred by Articles 12, 14 and 19 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf, after consulting such representatives of persons likely to be affected by these Regulations as appear to it to be appropriate, and with the consent of the Department of Finance and Personnel for Northern Ireland(b), hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Health and Personal Social Services (Superannuation, Premature Retirement and Injury Benefits) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation as follows—

- (a) Regulations 7, 8, 11(b)(ii) and (c) on 6th April 1988;
- (b) Regulation 11(a) on 11th April 1988;
- (c) Regulation 9(a) on 15th April 1990;
- (d) Regulation 3, 4 and 6(b) on 1st April 1991; and
- (e) the remainder on 14th January 1992.

(2) In these regulations—

“the principal Regulations” means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984(c);

(a) S.I. 1972/1073 (N.I. 10); Article 14 was amended by the Pensions (Miscellaneous Provisions) (Northern Ireland) Order 1990 (S.I. 1990/1509 (N.I. 13)), Article 12
 (b) Formerly the Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3
 (c) S.R. 1984 No. 336 as amended by S.R. 1988 No. 271, S.R. 1989 No. 173, S.R. 1990 No. 62 and S.R. 1990 No. 121

“the Compensation Regulations” means the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983(a); and

“the Injury Benefits Regulations” means the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 1975(b).

Amendment of regulation 3 of the principal Regulations

2. In regulation 3 of the principal Regulations (definitions)—

(a) at the end of the definition of “employing authority” there shall be added the words “a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(c) and any body established under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(d);”;

(b) after the definition of “non-participating employment” there shall be inserted the following definition—

“non-recurring bonus” means a payment made in recognition of performance in a particular period which—

(a) falls to be paid only once in respect of that period; and

(b) is an addition to the salary of an officer where either—

(i) the officer is entitled to the maximum salary which is payable in respect of his post; or

(ii) the officer has retired from his post before the date of the payment;”;

(c) in the definition of “remuneration” after the words “but does not include” there shall be inserted the words “any non-recurring bonus.”.

Amendment of regulation 5 of the principal regulations

3. In regulation 5 of the principal Regulations (participation in superannuation benefits)—

(a) in paragraph (1), at the beginning there shall be inserted the words “Subject to paragraph (1A)”;

(b) after paragraph (1) there shall be inserted the following—

“(1A) An officer who has been a general dental practitioner and who has received a pension under regulation 7(1)(a)(vi) on account of the termination of an arrangement to provide general dental services pursuant to Article 61 of the Health and Personal Social Services (Northern Ireland) Order 1972(e) shall not accrue further entitlement to benefit under the scheme.”.

(a) S.R. 1983 No. 155 as amended by S.R. 1986 No. 322

(b) S.R. 1975 No. 85 as amended by S.R. 1986 No. 151

(c) S.I. 1991/194 (N.I. 1)

(d) S.I. 1990/247 (N.I. 3)

(e) S.I. 1972/1265 (N.I. 14)

Amendment of regulation 60 of the principal Regulations

4. In regulation 60 of the principal Regulations (application to practitioners)—

(a) in paragraph (1), for the reference “paragraph (2)” there shall be substituted the reference “paragraphs (2) and (4)”;

(b) after paragraph (3) there shall be inserted the following—

“(4) A practitioner who has been a general dental practitioner and who has received a pension under regulation 7(1)(a)(vi) on account of the termination of an arrangement to provide general dental services pursuant to Article 61 of the Health and Personal Social Services (Northern Ireland) Order 1972(a) shall not accrue further entitlement to benefit under the scheme.”.

Amendment of regulation 79 of the principal Regulations

5. In regulation 79 of the principal Regulations (determination of questions), after the word “widow” there shall be inserted the word “; widower,”.

Amendment of regulation 2 of the Compensation Regulations

6. In regulation 2 of the Compensation Regulations (interpretation)—

(a) in the definition of “employing authority” after the words “Central Services Agency for the Health and Social Services,” there shall be inserted “a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b),”;

(b) in the definition of “officer”, in sub-paragraph (a), after the words “a practitioner as defined in regulation 2 of those regulations” there shall be inserted the words “, except a dental practitioner who satisfies the conditions set out in regulation 7(7) of the superannuation regulations (early retirement benefits);”.

Amendment of regulation 6 of the Compensation Regulations

7. In regulation 6 of the Compensation Regulations (compensation payable to widow or dependants), after the word “widow” in each place where it occurs there shall be inserted the word “, widower”.

Amendment of regulation 7 of the Compensation Regulations

8. In regulation 7 of the Compensation Regulations (compensation where death gratuity becomes payable) after the word “widow” there shall be inserted the word “, widower”.

Amendment of regulation 2 of the Injury Benefits Regulations

9. In regulation 2 of the Injury Benefits Regulations (interpretation) in the definition of “employing authority”—

(a) S.I. 1972/1265 (N.I. 14)

(b) S.I. 1991/194 (N.I. 1)

(a) the following shall be added after sub-paragraph (e)—

“(f) any such other body established under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(c)”;

(b) the following shall be added after sub-paragraph (f)—

“(g) a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;”.

Amendment of regulation 4 of the Injury Benefits Regulations

10. In regulation 4(6)(b) of the Injury Benefits Regulations (statutory benefits to be taken into account in assessing scale of benefits)—

(a) in sub-paragraph (ii) (B) and (D) shall be omitted;

(b) the following shall be inserted after sub-paragraph (v)—

“(vi) (A) Any reduced earnings allowance payable under section 59A of the Social Security (Northern Ireland) Act 1975(a) in respect of the injury or disease;

(B) Any retirement allowance payable under section 59B of the Social Security (Northern Ireland) Act 1975(b) in respect of the injury or disease.”.

Amendment of regulation 7 of the Injury Benefits Regulations

11. In regulation 7 of the Injury Benefits Regulations (widow's and widower's allowance)—

(a) the following shall be substituted for paragraph (1)—

“7.—(1) Subject to paragraph (2) and (3) and to regulation 10, there shall be payable to the widow or widower of a person mentioned in regulation 6 an annual allowance of the amount, if any, which when added to the amount of any pension payable under the relevant pension scheme in respect of the deceased, to or for the benefit of the widow or widower, will provide an income of 45 per cent. of the deceased's average remuneration.”;

(b) in paragraph (2)—

(i) for the reference to “3 months” there shall be substituted a reference to “6 months”; and

(ii) for the words “his widow” there shall be substituted the words “the widow or widower”;

(c) in paragraph (4), at the beginning there shall be inserted the words “where the deceased died before 6th April 1988”.

(a) 1975 c. 15; section 59A was added by the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) Schedule 3, paragraph 5

(b) Section 59B was added by the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)), Article 4

(c) S.I. 1990/247 (N.I. 3)

Amendment of regulation 11 of the Injury Benefits Regulations

12. In regulation 11(1) of the Injury Benefits Regulations (lump sum payment on death) for the words “one-quarter” there shall be substituted the words “one-half”.

Amendment of regulation 20 of the Injury Benefits Regulations

13. In Regulation 20 of the Injury Benefits Regulations (determination of questions) after the word “widow” there shall be inserted the word “, widower,”.

Sealed with the Official Seal of the Department of Health and Social Services on 27th November 1991.

(L.S.)

W. F. T. Green

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 27th November 1991.

(L.S.)

F. P. Smyth

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1984 ("the principal Regulations"), the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983 ("the Compensation Regulations"), and the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 1975 ("the Injury Benefits Regulations").

Regulation 2 amends the principal Regulations by including Health and Social Services trusts in the definition of "employing authority" and providing for certain bonuses not to be superannuable by excluding them from the definition of "remuneration".

Regulations 3 and 4 amend the principal Regulations by excluding certain dental practitioners who have received early retirement benefits from accruing further superannuation benefits under the principal Regulations.

Regulations 5 and 13 amend the principal Regulations and the injury benefits Regulations respectively by providing that questions arising under those Regulations which concern the rights and liabilities of widowers are to be determined by the Department.

Regulation 6 amends the Compensation Regulations by including Health and Social Services trusts in the definition of "employing authority" and certain dental practitioners in the definition of "officer".

Regulations 7 and 8 amend the Compensation Regulations so that, in respect of service on or after 6th April 1988, widows and widowers are entitled to similar benefits.

Regulation 9 amends the Injury Benefits Regulations so that special bodies and Health and Social Services trusts are included in the definition of "employing authority".

Regulation 10 amends the Injury Benefits Regulations to take into account both reduced earnings allowance (which replaces special hardship allowance) and retirement allowance (which replaces reduced earnings allowance on retirement).

Regulation 11 amends the Injury Benefits Regulations by removing the requirement that a widower must be incapable, by reason of permanent ill-health, of earning his own living before he may qualify for benefits; by omitting obsolete references to industrial injuries death benefits and by increasing the period of the higher initial allowance from 3 months to 6 months. The amendments relating to widowers apply to persons who became widowers on or after 6th April 1988.

Regulation 12 amends the Injury Benefits Regulations by increasing any lump sum payable on death from one quarter to one half of average remuneration.

Regulations 3, 4, 9(a), 11(a), 11(b)(ii) and (c) have retrospective effect by virtue of Article 14(1) of the Superannuation (Northern Ireland) Order 1972. Regulations 6(b), 7 and 8 have retrospective effect by virtue of Article 19(3) of that Order.

1991 No. 507

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.