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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 390**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (Superannuation)  
(Amendment No. 2) Regulations (Northern Ireland) 1997**

*Made* - - - - *26th August 1997*  
*Coming into operation* *1st September 1997*

The Department of Health and Social Services, in exercise of the powers conferred by Articles 12 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972<sup>(1)</sup> and of all other powers enabling it in that behalf, after consulting with such representatives of persons likely to be affected by these Regulations as appear to it to be appropriate as required by Article 12(4) of that Order, and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment No. 2) Regulations (Northern Ireland) 1997 and shall come into operation on 1st September 1997.

**Interpretation**

2. In these Regulations, “the principal Regulations” means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995<sup>(2)</sup>.

**Amendment of regulation 2 of the principal Regulations (Interpretation)**

3. In regulation 2 of the principal Regulations—

(a) in the definition of “employing authority”—

(i) in sub-paragraphs (a), (b), (c) and (d) the word “and” shall be deleted in each place where it last appears;

(ii) in sub-paragraph (d) after the word “scheme” for the full stop there shall be substituted “, and”; and

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

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(1) S.I.1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13)

(2) S.R. 1995 No. 95 as amended by S.R. 1997 No. 217

“(f) a registered medical practitioner whose name is included on a list kept pursuant to the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(3), working either as a sole practitioner, or as a group of such practitioners acting jointly, whether or not practising in a partnership, in respect of the employment of practice staff.”;

(b) after the definition of “personal pension scheme” there shall be inserted the following definition—

“practice staff” means persons (other than assistants, associates, or trainee practitioners) employed by a registered medical practitioner whose name is included on a list kept pursuant to the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973, working either as a sole practitioner, or by a group of such practitioners acting jointly, whether or not practising in a partnership, to assist with the provision of general medical services in accordance with arrangements made under Article 56 of the “Health and Personal Social Services (Northern Ireland) Order 1972(4);”; and

(c) after the definition of “qualifying service” there shall be inserted the following definition—

“registered medical practitioner” means a fully registered person within the meaning of the “Medical Act 1983(5);”.

**Amendment of regulation 14 of the principal Regulations (Early retirement pension (redundancy etc.))**

4. In regulation 14 of the principal Regulations after paragraph (2) there shall be added the following paragraph—

“(3) This regulation shall not apply to practice staff.”

**Amendment to regulation 15 of the principal Regulations (Early retirement pension (employer’s consent))**

5. In regulation 15 of the principal Regulations after paragraph (2) there shall be added the following paragraph—

“(3) This regulation shall not apply to practice staff.”

**Amendment to regulation 62A of the principal Regulations (Transfers in respect of members to whom regulation 9A applies who elect to join or rejoin the scheme)**

6. In regulation 62A(2) of the principal Regulations after the words “transfers that are not made under the Public Sector Transfer Arrangements” there shall be inserted the word “and”.

**Amendment to regulation 78 of the principal Regulations (Part-time employment)**

7. In regulation 78 of the principal Regulations after paragraph (4) there shall be inserted the following paragraph—

“(4A) In paragraph (4) a “single comparable whole-time employment” means the number of hours, half-days or sessions which the Department determines would constitute single comparable whole-time employment.”.

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(3) S.R. & O. 1973 No. 421. The relevant amending regulations are S.R. 1975 No. 180; S.R. 1983 No. 182; S.R. 1989 No. 454; S.R. 1991 No. 476 and S.R. 1995 No. 487

(4) S.I. 1972/1265 (N.I. 14); Article 56 was amended by S.I. 1986/2229 (N.I. 24), Article 7 and S.I. 1991/194 (N.I. 1), Article 29(1)

(5) 1983 c. 54

**Amendment to Schedule 2 to the principal Regulations (Medical and Dental Practitioners)**

8. In Schedule 2 to the principal Regulations, in paragraph 1—
- (a) in the definition of “assistant practitioner” for the words “and the Agency is required;” there shall be substituted—
    - “or who is participating in the Doctors' Retainer Scheme;”;and
  - (b) after the definition of “associate general practitioner” there shall be inserted the following definition—
    - ““Doctors' Retainer Scheme” has the same meaning as given in paragraph 39 of the Statement published in accordance with regulation 32 of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(6);”.

Sealed with the Official Seal of the Department of Health and Social Services on

26th August 1997.

*John McGrath*  
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

26th August 1997.

*Dorothy Angus*  
Assistant Secretary

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(6) S.R. & O. 1973 No. 421; The relevant amending regulations are S.R. 1975 No. 180; S.R. 1989 No. 454 and S.R. (N.I.) 1995 No. 487

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations further amend the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (“the principal Regulations”) by bringing registered medical practitioners within the definition of an “employing authority” and thereby enabling persons employed by them to join the Health and Personal Social Services Superannuation Scheme (though periods of work which do not relate to the provision of general medical services in accordance with arrangements made under Article 56 of the Health and Personal Social Services (Northern Ireland) 1972 will not count as superannuable service).

Regulations 1 and 2 provide for the citation, commencement and interpretation of the Regulations. Regulation 3 amends regulation 2 of the principal Regulations by including registered medical practitioner in the definition of an “employing authority”. It also inserts definitions of “practice staff” and a “registered medical practitioner”.

Regulations 4 and 5 amend respectively regulations 14(2) (*Early retirement pension (redundancy etc.)*) and 15(2) (*Early retirement pension (employer’s consent)*) of the principal Regulations so that those regulations do not apply to persons employed by registered medical practitioners.

Regulation 6 makes a minor amendment to regulation 62A(2) (*Transfers in respect of members to whom regulation 9A applies who elect to join or rejoin the scheme*) of the principal Regulations.

Regulation 7 amends regulation 78 (*Part-time employment*) of the principal Regulations to provide that the Department shall determine what constitutes single comparable whole-time employment.

Regulation 8 amends paragraph 1 of Schedule 2 to the principal Regulations to provide membership of the Health and Personal Social Services Superannuation Scheme for unapproved assistant practitioners and assistant practitioners who are participating in the Doctors' Retainer Scheme.