
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 293

HEALTH AND PERSONAL SOCIAL SERVICES

**The Health and Personal Social Services (Superannuation)
(Amendment) Regulations (Northern Ireland) 1999**

Made - - - - *28th June 1999*

Coming into operation *9th August 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 12 and 14 of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(1) 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, commencement and retrospective effect

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 1999.

(2) These Regulations shall come into operation on 9th August 1999 and shall have effect from 1st April 1999(2).

Interpretation

2. In these Regulations, “the principal Regulations” means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(3).

Amendment of regulation 2 of the principal Regulations

3. In regulation 2—

(a) after the definition of “contracting-out requirements” there shall be inserted the following definitions—

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

(2) *See* Article 14(1) of the Superannuation (Northern Ireland) Order 1972 which provides that certain Regulations may be framed so as to have effect from a date earlier than that of their making

(3) [S.R. 1995 No. 95](#) as amended by [S.R. 1997 Nos. 217 and 390](#) and [S.R. 1998 No. 299](#)

““dental hygienist” means a person whose name is included in the roll of dental hygienists referred to in regulation 21 of the Dental Auxiliaries Regulations 1986(4);

“dental list” means a list kept pursuant to the General Dental Services Regulations (Northern Ireland) Order 1993(5);

“dental pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by an individual providing those services;

“dental therapist” means a person whose name is included in the roll of dental therapists referred to in regulation 25 of the Dental Auxiliaries Regulations 1986;”;

- (b) after the definition of “health service scheme” there shall be inserted the following definition—

““HPSS dental employee” means an individual who, in connection with the provision of health services in the HPSS is employed by—

- (a) a HSS Trust(6);
- (b) a Health and Social Services Board(7);
- (c) a registered dentist; or
- (d) a registered dentist who is providing personal dental services in accordance with a pilot scheme;”;

- (c) after the definition “medical list”(8) there shall be inserted the following definition—

““medical pilot scheme employee” means an individual who, in connection with the provision of personal medical services in accordance with a pilot scheme, is employed by an individual providing those services;”;

- (d) after the definitions “qualifying service” there shall be inserted the following definition—

““registered dentist” has the meaning given in section 53(1) of the Dentists Act 1984(9);”;

- (e) the definition of “pilot scheme employee” shall be deleted;

- (f) after the definition of “pay period” there shall be inserted the following definitions—

““personal dental services” has the meaning given in Article 3(7) of the 1997 Order”;

““personal medical services” has the meaning given in Article 3(7) of the 1997 Order.”.

Amendment of regulation 7 of the principal Regulations (Restrictions on membership)

- 4.—(1) In paragraph (d) of regulation 7 after the word “scheme” delete “.” and substitute “;”.

- (2) After paragraph (d) of that regulation there shall be inserted the following paragraphs—

- “(e) a person, other than a registered dentist or a dentist therapist, who is employed as a dental pilot scheme employee otherwise than by an HSS Trust, and who either—

(4) S.I. 1986/887

(5) S.R. 1993 No. 326

(6) The definition of a HSS Trust was inserted by S.R. 1998 No. 299

(7) The definition of a Health and Social Services Board was inserted by S.R. 1998 No. 299

(8) This definition was inserted by S.R. 1998 No. 299

(9) 1984 c. 24

- (i) was, immediately prior to the commencement of such employment, a HPSS dental employee who was not eligible to join the scheme; or
- (ii) has not previously been in employment as a HPSS dental employee;
- (f) a provider of personal dental services under a pilot scheme to whom these Regulations did not apply immediately prior to the commencement of the pilot scheme, other than a registered dentist or a dental therapist.”.

Amendment of regulation 10 of the principal Regulations (Contributions by members)

5. In paragraph 5 of regulation 10 for “21st” there shall be substituted “19th”.

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

6. For paragraph (4) of regulation 14(10) there shall be substituted the following paragraph—
- “(4) This regulation shall not apply to—
- (a) a member who is providing piloted services;
 - (b) a member to whom regulation 83A(1)(a) or (b) applies; or
 - (c) a member who is a dental pilot scheme employee and who is employed by a provider of piloted services other than an HSS Trust.”.

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

7. For paragraph 4 of regulation 15 there shall be substituted the following paragraph—
- “(4) This regulation shall not apply to—
- (a) a member who is providing piloted services;
 - (b) a member to whom regulation 83A(1)(a) or (b) applies; or
 - (c) a member who is a dental pilot scheme employee and who is employed by a provider of piloted services other than an HSS Trust.”.

Amendment of regulation 32 of the principal Regulations (Dependant child)

- 8.—(1) For paragraph (2)(b) of regulation 32 there shall be substituted the following paragraph—
- “(b) born one year or less after the member leaves superannuable employment, and who is dependent on the member immediately after being born; and”
- (2) After paragraph (b) there shall be inserted the following paragraph—
- “(c) where the member has died, born one year or less after the date of death of the member and would have become dependent on the member if the member had not died before the child was born.”.

Amendment of regulation 33 of the principal Regulations (payment of allowance)

9. In paragraph 33(2) for the words “after the member’s death,” there shall be substituted the words “one year or less after the date of death of the member,”.

Amendment of regulation 83A of the principal Regulations (Participators in pilot schemes)

10. For regulation 83A(11) there shall be substituted the following regulation—

“Participators in pilot schemes

83A.—(1) For the purposes of these Regulations, for the duration of any pilot scheme—

- (a) a registered medical practitioner or a registered dentist—
 - (i) who is, in relation to the pilot scheme, a person providing piloted services, a medical pilot scheme employee, or a dental pilot scheme employee; and
 - (ii) who, immediately prior to the commencement of the pilot scheme, was a member of the scheme by reason of his employment as a practitioner,
 shall be treated as a practitioner employed by the relevant Health and Social Services Board;
- (b) a registered dentist who is engaged, under a contract for services, by a person providing piloted services to carry out personal dental services in accordance with a pilot scheme shall be treated as a practitioner employed by the relevant Health and Social Services Board;
- (c) a registered dentist shall be treated as an officer if—
 - (i) he is a dental pilot scheme employee; and
 - (ii) immediately prior to the commencement of the pilot scheme he was a member by virtue of his employment as an officer; and
 - (iii) his name was at that time included in a dental list immediately prior to the commencement of the pilot scheme;
- (d) a registered medical practitioner or a registered dentist, to whom paragraph (a) does not apply, shall—
 - (i) if he is providing piloted services, be treated as a practitioner employed by the relevant Health and Social Services Board; or
 - (ii) if he is a medical pilot scheme employee or a dental pilot scheme employee, be treated as an officer employed by the provider of the piloted services;
- (e) a person who is providing piloted services shall be liable to pay contributions under regulation 11 in respect of a member to whom paragraph (b) applies, or who is employed by him as a medical pilot scheme employee, or as a dental pilot scheme employee;
- (f) a member who, immediately prior to the commencement of a pilot scheme—
 - (i) was employed as a HPSS employee or as a HPSS dental employee and was not a registered dentist;
 - (ii) was employed as a medical pilot scheme employee, and was not a registered medical practitioner; or
 - (iii) was employed as a dental pilot scheme employee, and was not a registered dentist,

and who, after the commencement of the pilot scheme, is providing piloted services, shall be treated as a whole-time officer employed by the relevant Health and Social Services Board;

- (g) a medical pilot scheme employee, who is employed otherwise than by a HSS Trust, and to whom paragraph (a) or (d)(ii) does not apply, shall be treated for the purposes of these Regulations as if he were practice staff;
 - (h) a person other than a registered dentist who—
 - (i) is employed as a dental pilot scheme employee otherwise than by an HSS Trust;
 - (ii) immediately prior to the commencement of such employment, was employed by an HSS Trust or by a Health and Social Services Board as a HPSS dental employee; and
 - (iii) was at that time a member,shall continue to be eligible to be a member;
 - (i) a dental therapist who—
 - (i) is a provider of piloted services or is a dental pilot scheme employee; and
 - (ii) immediately prior to the commencement of the dental pilot scheme was not a member,shall be eligible to be a member;
- (2) In paragraph (1) “relevant Health and Social Services Board” means the Health and Social Services Board which is a party to the pilot scheme agreement under which the piloted services are provided.”

Amendment of Schedule 2 of the principal Regulations (Medical and Dental practitioners)

11.—(1) For paragraph 6(2)(b)(12) of Schedule 2 (Meaning of “superannuable earnings” in relation to other practitioners) substitute the following—

“(b) a practitioner employed as a medical or dental pilot scheme employee, or to whom regulation 83A(1)(b) applies, “superannuable earnings” means all salaries or wages paid to the practitioner in respect of employment as a practitioner, but does not include bonuses or payments made to cover expenses or for overtime.”

(2) In paragraph 19 of Schedule 2 (Members absent from work)—

- (a) in sub-paragraph 6(a)(13) after the word “medical” there shall be inserted the words “or dental”;
- (b) in sub-paragraph 6(b) before the word “pilot” where that word first appears there shall be inserted the words “medical or dental”.

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

L.S.

28th June 1999.

J. McGrath
Assistant Secretary

(12) Sub-paragraph (2) was inserted by S.R. 1998 No. 299

(13) Sub-paragraph (6) was inserted by S.R. 1998 No. 299

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

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

L.S.

28th June 1999.

D. Angus
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Health and Personal Social Services (Superannuation) Regulations 1995 (“the principal Regulations”) which provide for the superannuation of persons engaged in the Health and Personal Social Services in Northern Ireland.

Regulations 1 and 2 provide for the citation, commencement and interpretation of the Regulations. Regulation 3 amends regulation 2 of the principal Regulations and adds further definitions concerned with the introduction of piloted dental services under the Health Services (Primary Care) (Northern Ireland) Order 1997 (“the 1997 Order”).

Regulation 4 amends regulation 7 of the principal Regulations to add further restrictions on membership of the Health and Personal Social Services Superannuation Scheme.

Regulation 5 amends regulation 10 of the principal Regulations in order to comply with the provisions of the Personal and Occupational Pensions Schemes (Miscellaneous Amendments) Regulations (Northern Ireland) 1997 ([S.R. 1997 No. 160](#)).

Regulations 6 and 7 amend regulation 14 (Early retirement pension (redundancy etc.)) and regulation 15 (Early retirement pension (employer’s consent)) of the principal Regulations to exclude certain providers and performers of piloted services.

Regulations 8 and 9 amend regulation 32 (Dependant child) and regulation 33 (Payment of Allowance) of the principal Regulations to clarify the eligibility requirements for payment of child allowance.

Regulation 10 provides for the substitution of regulation 83A of the principal Regulations which provide for the application of the principal Regulations in relation to persons engaged in the provision of services under medical and dental pilot schemes introduced in accordance with the 1997 Order.

Regulation 11 amends Schedule 2 to the principal Regulations.