

1969. No. 161

[C]

HEALTH SERVICES SUPERANNUATION**Pensions Increase—Approved Schemes**

REGULATIONS, DATED 23RD JUNE 1969, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES WITH THE CONSENT OF THE MINISTRY OF FINANCE UNDER SECTION 3(2)(b)(i) AND (3) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in exercise of the powers conferred on it by section 3(2)(b)(i) and (3) of the Pensions (Increase) Act (Northern Ireland) 1966(a), and of all other powers enabling it in that behalf, and with the consent of the Ministry of Finance, hereby makes the following regulations:—

Citation and Commencement

1. These regulations may be cited as the Pensions Increase (Approved Schemes) (Health Services) Regulations (Northern Ireland) 1969, and shall come into operation on 14th July 1969.

Interpretation

2. In these regulations—

“the Act of 1966” means the Pensions (Increase) Act (Northern Ireland) 1966;

“average remuneration”, in relation to a person, means the annual average of his remuneration as it would have been calculated if he had been superannuable under the Regulations in respect of his reckonable service;

“civil service” means the civil service as defined in the Superannuation Act 1965(b) and the Superannuation Act (Northern Ireland) 1967(c);

“dependant”, in relation to a woman, means a person who is to the satisfaction of the Ministry wholly or mainly supported by that woman and who either has not attained the age of 16 years or is receiving instruction or undergoing training as referred to in section 1(6) of the Pensions (Increase) Act (Northern Ireland) 1959(d) (as applied by section 1(3) of the Act of 1966);

“employing authority” means an authority which is, or is deemed to be, an employing authority for the purposes of the Regulations;

“minimum pensionable age”, in relation to a person, means the earliest age at which he could have become entitled to a pension (other than a pension payable consequent on physical or mental infirmity) if he had been superannuable under the Regulations;

“the Ministry” means the Ministry of Health and Social Services;

“notional pension”, in relation to a person, has the meaning assigned to it by regulation 5;

“reckonable service”, in relation to a person, has the meaning assigned to it by the schedule;

(a) 1966. c. 5 (N.I.).

(b) 1965. c. 74.

(c) 1967. c. 24 (N.I.).

(d) 1959. c. 10.

“the Regulations” means the Health Services (Superannuation) Regulations (Northern Ireland) 1962(e) as amended(f);

“statutory pension increases” means the benefits conferred by—

- (i) section 1 of the Pensions (Increase) Act (Northern Ireland) 1952(g);
- (ii) section 1 of the Pensions (Increase) Act (Northern Ireland) 1956(h);
- (iii) section 1 of the Pensions (Increase) Act (Northern Ireland) 1959;
- (iv) sections 1 and 2 of the Pensions (Increase) Act (Northern Ireland) 1963(i);
- (v) section 1 of the Act of 1966; and
- (vi) section 1 of the Pensions (Increase) Act (Northern Ireland) 1969(j), on persons whose superannuation benefits are regulated under the Superannuation Act (Northern Ireland) 1967;

“superannuation scheme” means the Federated Superannuation Scheme for Nurses and Hospital Officers and any other scheme approved by the Ministry of Finance for the purposes of section 3 of the Act of 1966;

“superannuable under the Regulations”, in relation to a person, means entitled to participate in the superannuation benefits provided by the Regulations (other than regulations 36 and 38).

Effect of these regulations

3. These regulations shall apply for the payment to persons described in regulation 4 of the allowances described in regulation 6, being allowances which appear to the Ministry to be appropriate having regard to the statutory pension increases.

Persons to whom the regulations apply

4.—(1) These regulations shall apply to any person who—

- (a) has ceased to be employed by an employing authority on or after attaining minimum pensionable age or on account of physical or mental infirmity; and
- (b) immediately before ceasing to be so employed—
 - (i) was subject to a superannuation scheme; and
 - (ii) had completed 10 years' reckonable service; and
- (c) has received or has become entitled to receive payment of any retirement benefit under a superannuation scheme; and
- (d) either—
 - (i) has attained the age of 60 years; or
 - (ii) has retired on account of physical or mental infirmity, or is to the satisfaction of the Ministry disabled by physical or mental infirmity or permanently incapacitated by such infirmity from engaging in any regular full-time employment; or
 - (iii) is a woman who has at least one dependant.

(2) For the purposes of the preceding paragraph, a person who was entitled to receive, and received, payment of any retirement benefit under a superannuation scheme within 12 months of minimum pensionable age shall be deemed to have attained that age.

(e) S.R. & O. (N.I.) 1962, No. 237.
 (f) S.R. & O. (N.I.) 1967, No. 55.
 (g) 1952. c. 25.

(h) 1956. c. 7.
 (i) 1963. c. 3 (N.I.).
 (j) 1969, c. 5 (N.I.).

Notional pension

5.—(1) There shall be ascribed to each person to whom these regulations apply a notional pension calculated on the following basis—

- (a) for each year of reckonable service, one eightieth of his average remuneration; and
- (b) for any additional fraction of a year of reckonable service which amounts to or exceeds 6 months, one one hundred and sixtieth of his average remuneration.

(2) In calculating a notional pension any fraction of a pound shall be treated as a whole pound.

(3) Where the amount of a notional pension ascribed to any person does not exceed £26 a year, these regulations shall not apply to him.

Payments of benefits equivalent to statutory pension increases

6. The Ministry shall, in respect of any period beginning on and after 1st July 1966, pay to any person to whom these regulations apply an allowance equal to the statutory pension increases which would have been payable to him if he had been eligible under the Superannuation Act (Northern Ireland) 1967 for a pension of the same amount as his notional pension, beginning on the day after the last day of his reckonable service.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 23rd day of June 1969.

(L.S.)

S. H. O'Fee,
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 23rd day of June 1969.

(L.S.)

James Reid,
Assistant Secretary.

SCHEDULE

Regulation 2

Meaning of reckonable service

1. Subject to the provisions of this schedule, a person's reckonable service shall be a period equivalent to the aggregate of any periods of employment which—

- (a) have been spent in any employment described in paragraph 2 and
- (b) have become reckonable under a superannuation scheme as described in paragraph 3.

2. The employments to which paragraph 1 relates are—

- (i) employment under an employing authority or an authority which was, or was deemed to be, an employing authority for the purposes of the National Health Service (Superannuation) Regulations 1961(k) or the National Health Service (Superannuation) (Scotland) Regulations 1961(l);
- (ii) employment in which the person was subject to any regulations or scheme made under section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950(m) or section 54 of the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald);
- (iii) employment under an employing authority or a local Act authority within the meaning of section 1(3) of the Local Government Superannuation Act 1937(n) or section 1(6) of the Local Government Superannuation (Scotland) Act 1937(o);
- (iv) employment in the civil service;
- (v) employment by a district nursing association during any period when a local health authority had arrangements with, or paid contributions to, that association under Part III of the National Health Service Act 1946(p).

3. For the purposes of paragraph 1 a period of employment shall be deemed to have become reckonable under a superannuation scheme if—

- (a) during such period the person was subject to a superannuation scheme and the contributions authorised or required to be paid by the employer were duly paid, or
- (b) such period was taken into account in calculating a sum in the nature of a transfer value paid to that scheme under the Regulations or any corresponding provision in force in England and Wales, Scotland or the Isle of Man, under any regulations or scheme made under section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950 or under rules made under section 34 of the Superannuation Act (Northern Ireland) 1967 or section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(q):

Provided that—

- (i) so much of any period referred to in sub-paragraph (b) as consisted of non-contributing service shall be reckonable under this paragraph at half its actual length, and
- (ii) so much of any such period as consisted of part-time service shall be reckonable under this paragraph as though it were whole-time service for a proportionately reduced period.

4. For the purposes of regulation 4(1)(b)(ii) of these regulations, there may be added to the service described in paragraph 1 of this schedule any period of previous service which would have been reckonable under regulation 21 of the Regulations (which provides for the reckoning of qualifying service in certain cases) or any corresponding provision in force in England and Wales, Scotland or the Isle of Man.

5. For the purposes of paragraph 3(a) no account shall be taken of any period of employment preceding a break of 12 months or more during which the person was not in employment described in paragraph 2.

(k) S.I. 1961, No. 1441.

(l) S.I. 1961, No. 1398.

(m) 1950, c. 10.

(n) 1937, c. 68.

(o) 1937, c. 69.

(p) 1946, c. 81.

(q) 1948, c. 33.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

Certain persons who have retired from employment in the Health Services elected to secure their superannuation benefits through schemes which operated by way of insurance policies to produce lump sums or annuities, or both, upon retirement. These regulations provide for the payment of allowances corresponding broadly to the increases for which they would have been eligible under the Pensions (Increase) Acts (Northern Ireland) 1952, 1956, 1959, 1963, 1966 and 1969 had they been pensionable under the Health Services Superannuation Scheme.

The relevant schemes are the Federated Superannuation Scheme for Nurses and Hospital Officers and any other scheme approved for this purpose by the Ministry of Finance.

The conditions of entitlement combine, with necessary modifications, the conditions for a health service pension and the conditions for increases under the Pensions (Increase) Acts (Northern Ireland). The main conditions are that the person—

- (i) completed 10 years' qualifying service in health service or local government employment or certain types of related employment or the civil service;
- (ii) retired in circumstances in which a person subject to the health services scheme could have retired with a pension;
- (iii) has attained the age of 60 years, or is incapacitated, or is a woman who has a dependant.

The allowances are payable, as from 1st July 1966, upon a notional pension, which is an amount (defined in regulation 5) corresponding broadly to the pension the person would have received if he had been in the health services scheme and entitled to reckon under that scheme certain service during which he was within the Federated Superannuation Scheme for Nurses and Hospital Officers or any other approved scheme.

Retrospective payment is authorised by section 3(3) of the Pensions (Increase) Act (Northern Ireland) 1966.