

1974 No. 1357 (S.121)

NATIONAL HEALTH SERVICE, SCOTLAND
The National Health Service (Superannuation) (Scotland)
Amendment (No. 2) Regulations 1974

<i>Made</i> - - - -	2nd August 1974
<i>Laid before Parliament</i>	19th August 1974
<i>Coming into Operation</i>	9th September 1974

In exercise of the powers conferred on me by sections 10 and 12 of the Superannuation Act 1972(a), section 110 of the National Insurance Act 1965(b) (I having been determined by the Treasury to be the appropriate Minister to make regulations under that section for modifying the scheme for the provision of pensions and other benefits established by regulations made under section 66 of the National Health Service (Scotland) Act 1947(c)) and of all other powers enabling me in that behalf, after consulting with such representatives of persons likely to be affected by these regulations as appear to me to be appropriate, and with the consent of the Minister for the Civil Service, I hereby make the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the National Health Service (Superannuation) (Scotland) Amendment (No. 2) Regulations 1974 and shall come into operation on 9th September 1974.

(2) The National Health Service (Superannuation) (Scotland) Regulations 1961 to 1974(d) and these regulations may be cited together as the National Health Service (Superannuation) (Scotland) Regulations 1961 to 1974.

Interpretation

2.—(1) In these regulations “the principal regulations” means the National Health Service (Superannuation) (Scotland) Regulations 1961(e) to 1974 and other words and expressions used have the same meaning as in the principal regulations.

(2) The Interpretation Act 1889(f) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendments relating to ophthalmic medical practitioners and practitioners paid by way of salary

3.—(1) In regulation 2(2) of the principal regulations (interpretation)—

(a) after the definition of “officer” there shall be inserted—

“ ‘ophthalmic medical practitioner’ means a medical practitioner providing general ophthalmic services under the Act;”;

(a) 1972 c. 11.

(c) 1947 c. 27.

(e) S.I. 1961/1398 (1961 II, p. 2697).

(b) 1965 c. 51.

(d) S.I. 1974/441 (1974 I, p. 1447).

(f) 1889 c. 63.

- (b) in the definition of “practitioner” after the words “assistant practitioner” there shall be inserted “but does not include any practitioner who is paid by the Health Board by way of salary”.
- (2) In regulation 4(1) of the principal regulations (application of the regulations) after sub-paragraph (f) there shall be inserted—
- “(g) any officer paid by a Health Board by way of salary who would be a practitioner if he were not so paid.”.
- (3) In regulation 24 of the principal regulations (reckoning of qualifying service) after paragraph (5) there shall be inserted—
- “(6) There shall be reckonable as service in relation to an ophthalmic medical practitioner for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating any such benefit, service on the ophthalmic list of an Executive Council before 1st April 1974.”.
- (4) In paragraphs (1), (2) and (4) of regulation 60 of the principal regulations (amendment of certain references to age) for the words from “medical practitioner” to “assistant practitioner” there shall be substituted “practitioner”.
- (5) In regulation 61(2)(i) of the principal regulations (meaning of “remuneration”) after the words “general dental services” there shall be inserted “general ophthalmic services”;
- (6) In regulation 72 of the principal regulations (continuation of contracts or policies of insurance in certain cases —
- (a) for paragraph (2) there shall be substituted—
- “(2) The Secretary of State may, on application being made to him before 1st July 1974 by an ophthalmic medical practitioner who on 31st March 1974 was on the list of an Executive Council and held a contract or policy of insurance with any of the Life Assurance Companies, agree that these regulations, with the exception of this regulation, shall not apply to that practitioner as an ophthalmic medical practitioner in which event the Secretary of State shall, subject to such terms and conditions as he may determine, pay to such practitioner as a contribution towards the maintenance of the aforesaid contract or policy an amount equal to 8 per cent of the practitioner’s remuneration (as defined in regulation 61) in respect of general ophthalmic services.”;
- (b) after paragraph (2) (as substituted by this regulation) there shall be inserted the following paragraph and the remaining paragraphs shall be renumbered accordingly—
- “(3) Paragraphs (1) and (2) of this regulation shall, if the Secretary of State consents and subject to such additional terms and conditions as he may determine, also apply to any annuity contract approved under section 226 of the Income and Corporation Taxes Act 1970(a) entered into in substitution for the contract or policy mentioned in paragraphs (1) or (2) as aforesaid, or in further substitution for such annuity contract which has been substituted by virtue of this paragraph or any corresponding provision of these regulations previously in force, as the case may be.”;
- (c) in paragraph (4) (as renumbered by this regulation) in sub-paragraph

- (a) after the words "in regulation 61" there shall be inserted "except that no account shall be taken of payments in respect of general ophthalmic services";
- (d) in paragraph (5) (as renumbered by this regulation) after the words "the purpose of" there shall be inserted "paragraph (1) of".

Amendments relating to pension and retiring allowance

4.—(1) In regulation 11 of the principal regulations (scales of pension and retiring allowance)—

- (a) for paragraphs (1) to (4) inclusive there shall be substituted—

"(1) The pension to be paid to an officer whose service does not include service as a practitioner shall, subject to the provisions of these regulations, be a sum equal to one-eightieth of his average remuneration in respect of each year of his contributing service.

(2) The pension to be paid to an officer whose service includes service as a practitioner shall, subject to the provisions of these regulations,

- (a) in respect of the service otherwise than as a practitioner, be on the scale set out in paragraph (1) of this regulation, and
- (b) in respect of the service as a practitioner, be on the scale set out in regulation 63(2).

(3) The retiring allowance to be paid to an officer shall, subject to the provisions of these regulations, be a sum equal to three times the annual amount of his pension as calculated under this regulation and regulation 63:

Provided that—

- (a) in the case of—

- (i) a married man in respect of whose service a widow's pension may become payable under these regulations, or
- (ii) an officer who became a widower or was divorced or judicially separated from his wife on or after 25th March 1972 and who satisfies the description contained in paragraph (7) of this regulation,

the amount of the allowance shall be a sum equal to the aggregate of the following amounts, namely, the annual amount of his pension as calculated under this regulation and regulation 63 in respect of his contributing service before 25th March 1972 and three times the annual amount of his pension as so calculated in respect of the remainder of his contributing service;

- (b) in the case of an officer to whom proviso (a) does not apply and who became a widower or was divorced or judicially separated from his wife before 25th March 1972 and who satisfies the description contained in paragraph (7) of this regulation, the amount of the allowance shall be a sum equal to the aggregate of the following amounts, namely, the annual amount of his pension as calculated under this regulation and regulation 63 in respect of his contributing service up to and including the date of his wife's death or the divorce or judicial separation and an amount equal to three times the annual amount of his pension as so calculated in respect of the remainder of his contributing service."

- (b) in paragraph (7) for the words “proviso (c) to paragraph (2)” there shall be substituted “proviso (a)(ii) or (b) to paragraph (3)”.
- (2) For regulation 63 of the principal regulations (scales of pension and retiring allowance for a practitioner) there shall be substituted—
- “Scale of pension for a practitioner*
- 63.**—(1) The pension to be paid to a practitioner shall, subject to the provisions of these regulations—
- (a) in respect of his service as a practitioner, be on the scale set out in paragraph (2) of this regulation, and
- (b) in respect of any service otherwise than as a practitioner, be on the scale set out in regulation 11(1).
- (2) The pension to be paid in respect of service which is reckonable under these regulations as service as a practitioner shall be 1·4 per cent of the total uprated remuneration in respect of that service, and for the purposes of this paragraph—
- (a) subject to regulations 65 and 68(4), a practitioner’s total uprated remuneration shall be calculated by uprating his remuneration for all reckonable service as a practitioner in each financial year in such way as the Secretary of State after consulting such professional organisations as appear to him to be appropriate, may determine and by adding together the uprated remuneration for each financial year, and
- (b) remuneration paid during any financial year for service as a practitioner shall be regarded as being remuneration for such service in that year or, if there was no such service in that year, in the last preceding year in which there was any such service.”.
- (3) In regulation 45(3) of the principal regulations (benefits of officers not exercising certain options)—
- (a) in sub-paragraph (a)(i) for the words “one-half per cent”, there shall be substituted “one and one-half per cent”;
- (b) in sub-paragraph (a)(ii) for the words “one-quarter per cent”, there shall be substituted “three-quarters per cent”;
- (c) for provisos (i) and (ii) there shall be substituted—
- “Provided that for the purposes of this regulation, the retiring allowance payable to an officer shall be deemed to be an amount equal to the annual amount of his pension under these regulations, any reduction under regulation 51 being disregarded.”.
- (4) In regulation 10(3) of the principal regulations (officer’s pension and retiring allowance) the words “where it occurs for the second time in the proviso to paragraph (1) and” shall be deleted.

Amendments relating to death gratuity

5. For regulation 15 of the principal regulations (death gratuity) there shall be substituted—

“**15.**—(1) In the event of the death of—

- (a) an officer;
- (b) a person who had ceased to be an officer within 12 months before his death and had not received a return of contributions or become entitled to any other benefit, including a transfer value, under these regulations;

- (c) a person who had become entitled to a pension under the provisions of regulation 10(1)(a)(iv) but had not become entitled to receive payment of that pension; or
- (d) a person in receipt of a pension under these regulations; his widow if they were not judicially separated at the time of his death, or otherwise his personal representatives, shall be entitled to receive from the Secretary of State a death gratuity calculated in accordance with paragraph (2) of this regulation:

Provided that in the case of a person mentioned in sub-paragraph (a) or (b) who last ceased to be an officer before 1st October 1972, this regulation shall apply only if he had completed five years' service.

(2) Subject to paragraph (3) of this regulation, the amount of the death gratuity shall be—

(a) in respect of the death of an officer as mentioned in paragraph (1)(a) of this regulation, a sum equal to whichever is the greatest of the following—

- (i) his average remuneration, or
- (ii) an amount equal to three times the annual amount of the pension which would have been payable to the officer had he become entitled to a pension under regulation 10(1)(a)(i) on the day of his death (any reduction under regulation 51 being disregarded), or
- (iii) the amount of his contributions, together with compound interest thereon;

(b) in respect of the death of a person after ceasing to be an officer as mentioned in paragraph (1)(b) or (c) of this regulation, as the case may be, a sum equal to whichever is the greater of the following—

- (i) an amount equal to three times the annual amount of a pension as calculated under regulations 11 and 63 on the contributing service reckonable by him on last ceasing to be an officer, or
- (ii) the amount of his contributions, together with compound interest thereon,

except that if a widow's pension becomes payable under these regulations, the death gratuity shall be a sum equal to a retiring allowance calculated under the provisions of proviso (a) to regulation 11(3) on the contributing service reckonable by him on last ceasing to be an officer;

(c) in respect of the death of a person in receipt of a pension as mentioned in paragraph (1)(d) of this regulation, a sum equal to whichever is the greatest of the following—

- (i) an amount equal to three times the annual amount of his pension under these regulations (any reduction under regulation 51 being disregarded) less a sum equal to the aggregate amount paid to him by way of pension and retiring allowance, or
- (ii) the amount of his contributions, together with compound interest thereon, less a sum equal to the aggregate amount paid to him by way of pension and retiring allowance, or
- (iii) whichever is the lesser of the following—

- (a) his average remuneration, less a sum equal to the aggregate amount paid to him by way of pension and retiring allowance, or

- (b) an amount equal to five times the annual amount of his pension under these regulations (any reduction under regulation 51 being disregarded) less a sum equal to the aggregate amount paid to him by way of pension:

Provided that where a person surrendered part of his pension, the amount of the death gratuity specified in sub-paragraph (c) of this paragraph shall be reduced by any sum which would have been paid to him but for the surrender.

(3) Where a widow's pension is payable under these regulations—

- (a) the amount of the death gratuity specified in paragraph (2)(a) of this regulation shall be reduced by an amount equal to twice the annual amount of the pension which would have been payable to the officer in respect of his contributing service before 25th March 1972 had he become entitled to a pension under these regulations on the day of his death (any reduction under regulation 51 being disregarded);
- (b) the amount of the death gratuity specified in paragraph (2)(c) of this regulation (except sub-paragraph (iii)(b) thereof) shall be reduced by an amount equal to twice the annual amount of the person's pension in respect of his contributing service before 25th March 1972 (any reduction under regulation 51 being disregarded).

(4) In this regulation the average remuneration of a practitioner shall be an amount equal to the annual average of his total uprated remuneration as calculated in accordance with regulation 63(2).”.

Amendments relating to widow's pension

6. In regulation 16 of the principal regulations (widow's pension)—

- (a) for provisos (i) to (v) to paragraph (1) there shall be substituted—
- “(i) if the marriage took place after her husband ceased to be an officer;
 - (ii) if at the time on which her husband became entitled to a pension under these regulations or the previous regulations or at the date of his death, the husband and wife were judicially separated; or
 - (iii) if her husband had become entitled to a pension before 15th December 1966 and at the time of his death she was herself entitled to a pension under these regulations or the previous regulations otherwise than as a practitioner, or would have become so entitled immediately on ceasing to be an officer.”;
- (b) in paragraph (2)—
- (i) for the words “paragraph (b) of regulation 15”, there shall be substituted “regulation 15(1)(b)”;
 - (ii) after the words “these regulations”, there shall be inserted “(except paragraph (3B) of this regulation)”;
- (c) in paragraph (3)—
- (i) for the words “one-third” in sub-paragraphs (a) and (b), there shall be substituted “one-half”;
 - (ii) for the proviso there shall be substituted—
- “Provided that—
- (i) if any such pension as is mentioned in sub-paragraph (a) of this paragraph would have been reduced under regulation 51, no account shall be taken of the reduction, and any such

pension as is mentioned in sub-paragraph (b) of this paragraph shall be deemed to be the pension that would have been payable but for any reduction under that regulation, or under any corresponding provision of the previous regulations;

- (ii) if such officer as is mentioned in sub-paragraph (a) of this paragraph died before 25th March 1972 then, unless his widow had elected to receive a widow's pension at a higher rate than one-third, the reference in sub-paragraph (a) of this paragraph to one-half shall be a reference to one-third;
- (iii) if such person as is mentioned in sub-paragraph (b) of this paragraph became entitled to the pension mentioned therein before 25th March 1972 then, unless on retirement he elected not to receive a retiring allowance, the reference in sub-paragraph (b) of this paragraph shall be a reference to one-third;
- (iv) where an officer has received payment of a retiring allowance, a widow's pension shall not be payable in respect of any part of his service before 25th March 1972 in respect of which his retiring allowance was calculated at the rate of three times the annual amount of his pension unless either—
 - (a) the Secretary of State has accepted repayment to such extent and in such manner as he considers appropriate in order to recover the difference between the retiring allowance so paid and that which would have been paid on the basis that a widow's pension might become payable, or
 - (b) a corresponding adjustment falls to be made under the proviso to regulation 41(2).";
- (d) in proviso (i) to paragraph (3B) for the words "paragraphs (3) or (3A)" there shall be substituted "paragraph (3)";
- (e) in paragraph (4)(a) after the words "her re-marriage", there shall be inserted " , so, however, that in the event of the termination of her re-marriage, the Secretary of State may restore her widow's pension in whole or in part if he is satisfied that she would otherwise suffer hardship and if he does so he may take account of any deficiency payment already made under paragraph (5) of this regulation";
- (f) for paragraph (5) there shall be substituted—

"(5) If on the death of any person a widow's pension becomes payable and the death gratuity is thereby less than it would have been had no widow's pension been payable, then if on the death or re-marriage of the widow the amount paid by way of widow's pension is less than the difference between the amount of the death gratuity and the amount that the death gratuity would have been had no widow's pension become payable, there shall be paid to or among such persons as the Secretary of State may determine an amount equal to the difference."

Amendments relating to child's allowance

- 7.—(1) In regulation 16A of the principal regulations (child's allowance)—
- (a) for paragraph (2) there shall be substituted—

"(2) This regulation applies to any child who—

- (a) is a child of a person who died in the circumstances mentioned in regulation 15(1)(a) or (b), or who has become entitled to a pension after 15th December 1966 and has since died, being in either case a person who had completed not less than five years' service, and
- (b) was dependent on the person mentioned in sub-paragraph (a) of this paragraph, and either
 - (i) has not attained the age of 16 years or, if 16 years of age or over is, to the Secretary of State's satisfaction, continuing to receive full-time instruction at an educational establishment or undergoing full-time training for a trade, profession or vocation, or
 - (ii) was at the time of the death of the person mentioned in sub-paragraph (a) of this paragraph and has at all times since then been incapable by reason of permanent ill-health or infirmity of mind or body of earning his own living:

Provided that the reference in sub-paragraph (a) of this paragraph to five years shall be a reference to ten years in the case of a child of a person who dies in the circumstances mentioned in regulation 15(1)(a) or (b) and who was not on or after 1st October 1972 either an officer or a person to whom regulation 20(1) applied.”;

- (b) for paragraph (4) there shall be substituted—

“(4) For the purposes of this regulation and schedule 6—

- (a) “child” includes

- (i) a step-child, adopted child or illegitimate child, a child who is a brother or sister or the child of a brother or sister of the person mentioned in paragraph 2(a) of this regulation or of his spouse and the child of a child of that person, but does not include any child adopted, or who became a step-child, after the date when that person last ceased to be an officer, or any child born more than a year after that date, and
- (ii) in any particular case if the Secretary of State so agrees, a child whom that person immediately before last ceasing to be an officer had intended to adopt or who had then been dependent on that person for at least 2 years or half the child's life, whichever is the lesser;

- (b) “eligible child” means a child to whom this regulation applies and “parent” shall be construed accordingly; and

- (c) “brother” includes half-brother and step-brother and “sister” includes half-sister and step-sister.”.

- (2) In schedule 6 of the principal regulations (child's allowance)—

- (a) for paragraphs 2 and 3 there shall be substituted—

“2. Subject to the provisions of this schedule, and of regulation 16C(4) except whilst any amount is payable under paragraph 1 of this schedule, a child's allowance dependent upon the number of eligible

children of a person mentioned in regulation 16A(2)(a) shall be at the appropriate rate shown in the table hereunder—

Number of eligible children	TABLE	
	Rate of allowance expressed as a fraction of the pension to which the person was entitled under these regulations	
	Where there is a surviving parent or spouse of a parent	Where there is no surviving parent or spouse of a parent
1 child	One-quarter	One-third
2 or more children	One-half	Two-thirds

For the purposes of this paragraph—

- (i) the pension of a person shall be calculated without reference to any reduction required to be made under regulation 51, and
- (ii) the pension of a person who has died before becoming entitled to a pension under these regulations shall be deemed to be the pension which would have been payable to him had he become entitled to a pension under regulation 10(1)(a)(i) on the day of his death.

3. Where there is a surviving parent or spouse of a parent, the Secretary of State may pay a child's allowance at the rate which would have been applicable had there been no surviving parent or spouse of a parent for any period during which he is satisfied that any surviving parent or spouse of a parent does not maintain the child.”.

(b) for paragraph 5 there shall be substituted—

“5. The child's allowance shall be payable to the child or in such proportion as the Secretary of State thinks fit to the children entitled thereto; provided that the Secretary of State may if he thinks fit pay the allowance to such other person or persons as he may specify, and such person or persons shall apply it in accordance with any directions given by the Secretary of State for the benefit of the child or children entitled thereto.

6. An allowance shall not be payable to or for the benefit of a child mentioned in regulation 16A(2)(b)(ii) for any period exceeding one month during which he is maintained out of moneys provided by Parliament in a hospital or other institution so maintained.”.

Amendments relating to pensions of limited duration

8. In regulation 16B of the principal regulations (pensions of limited duration) for paragraph (3) there shall be substituted—

“(3) For the purposes of this regulation—

- (a) “child” means a child of the officer who, at the date of the officer's death—
 - (i) was dependent on the officer, and either
 - (ii) had not attained the age of 16 years, or if 16 years of age or over, was to the satisfaction of the Secretary of State, receiving full-time instruction at an educational establishment or undergoing full-time training for a trade, profession or vocation, or

- (iii) was incapable by reason of permanent ill-health or infirmity of mind or body of earning his own living;
- (b) "child" includes—
 - (i) step-child, adopted child or illegitimate child, a child who is a brother or sister or the child of a brother or sister of the officer or of his spouse and a child of a child of the officer,
 - (ii) in any particular case if the Secretary of State so agrees, a child whom the officer had intended to adopt or who had been dependent on the officer for at least 2 years or half the child's life, whichever is the lesser, and
 - (iii) a child born during the period for which a limited pension would have been payable if that child had been living at the time of the officer's death, and in such case that limited pension shall be payable as if the child had been alive during the period between the officer's death and the child's birth;
- (c) "brother" includes half-brother and step-brother and "sister" includes half-sister and step-sister."

Consequential amendments relating to pension and retiring allowance, etc.

9.—(1) In regulation 8(1)(b) and (2)(b) of the principal regulations (mental health officers) the words "proviso (ii) to paragraph (1) of regulation 16," and the words "regulation 63 and regulation 64," shall be deleted.

(2) In regulation 10(1)(b) of the principal regulations (officer's pension and retiring allowance) the words "except as provided in paragraph (6) of this regulation" shall be deleted.

(3) In regulation 11(5) of the principal regulations (scales of pension and retiring allowance) for the words "proviso (iv)" there shall be substituted "proviso (iii)".

(4) In proviso (i) to regulation 16B(2) of the principal regulations (pensions of limited duration) for the words "proviso (v)" there shall be substituted "proviso (ii)".

(5) In regulation 20(1) of the principal regulations (intervals in service due to illness or injury) after the words "regulations 16A," there shall be inserted "16B, 16C,".

(6) In regulation 14(4) of the National Insurance (National Health Service Superannuation (Scotland) Scheme—Modification and Non-participation) Regulations 1966(a), as amended (b), for sub-paragraphs (a) and (b) there shall be substituted—

"(a) in calculating the amount of any retiring allowance or death gratuity or of any pension or allowance to or in respect of a widow, child or other dependant, payable under the principal regulations or an optants scheme; or",

and sub-paragraph (c) shall be re-lettered (b).

Amendment relating to limitations on reckonable service

10. For regulation 29 of the principal regulations (limitation on reckonable service) there shall be substituted—

"Limitation on reckonable service

29.—(1) Notwithstanding the provisions of regulations 19 to 28, the con-

(a) S.I. 1966/52 (1966 I, p. 105).

(b) S.I. 1966/1227 (1966 III, p. 3290).

tributing service of an officer before he attains the age of 60 years or, if the officer is a mental health officer, or a woman who is a nurse, physiotherapist, midwife or health visitor, the age of 55 years, that may reckon as service shall not exceed 40 years and any service added under regulations 34(3), 34A(7) or 68(2) or (3) shall not exceed such amount as would increase the contributing service to 40 years.

(2) Where the contributing service of an officer exceeds 45 years, any benefits payable to or in respect of him under these regulations shall be based on 45 years of such service.”.

Amendments relating to optants for other superannuation arrangements

11.—(1) In regulation 44 of the principal regulations (benefits of officers who have exercised certain options)—

(a) in paragraph (7) after sub-paragraph (b) there shall be inserted—

“(c) any provision for the forfeiture of superannuation benefits in consequence of fraud, theft or misconduct contained in any enactment or scheme applying to an officer by virtue of this regulation shall operate only to the extent that the Secretary of State may direct in any particular case;

(d) where any benefit payable to or in respect of an officer to whom this regulation applies is calculated by reference to the annual average of his remuneration over a final period of his service,

(i) regulation 34(2) shall, except where the enactment or scheme applicable in his case contains a corresponding provision, apply in respect of any part of a year of his service, and

(ii) such benefit shall be uprated by such factor as in the opinion of the Secretary of State represents the upward movement (if any) in the cost of living from the mid-point of the said period to a point six months before the end of the said period;

(e) the widow of a person who dies and who was entitled at the time of his death to a pension, or at that time was an officer and able to reckon not less than the minimum length of service necessary to entitle him to a pension on retirement, and whose pension was or would have been calculated by reference to his service and the annual average of his remuneration over a final period of his service, shall be entitled to receive from the Secretary of State a widow’s pension and the annual amount of such widow’s pension shall be—

(i) where the relevant enactment or scheme made no provision for the payment of a widow’s pension, an amount equal to the aggregate of the following amounts, namely, an amount equal to one-sixth of the annual amount of the husband’s pension (uprated in accordance with sub-paragraph (d) of this paragraph), in respect of his service before 25th March 1972 and an amount equal to one-quarter of the annual amount of his pension so uprated in respect of the remainder of his service, or

(ii) where the relevant enactment or scheme made provision for the payment of a widow’s pension, an amount equal to the aggregate of the following amounts, namely, an amount equal to the aggregate amount specified in sub-paragraph (i)

of this sub-paragraph and an amount equal to one-half of the annual amount of the widow's pension (uprated in accordance with sub-paragraph (d) of this paragraph) which apart from this sub-paragraph would have been payable under the relevant enactment or scheme,

and, except as provided in proviso (i) of this sub-paragraph, a widow's pension shall not be payable at the rate specified in the relevant enactment or scheme:

Provided that—

- (i) if at any time a greater amount would be payable by way of widow's pension (uprated in accordance with sub-paragraph (d) of this paragraph) apart from this sub-paragraph, that widow's pension as so uprated shall be payable in lieu of any payment under this sub-paragraph;
 - (ii) for the purposes of this sub-paragraph, a pension payable to a widow in consequence of her husband surrendering part of his pension shall not be regarded as a widow's pension; and
 - (iii) the provisions of regulation 16(4) and of the provisos to regulation 16(1) shall apply to so much of a payment under this sub-paragraph as is calculated under sub-paragraph (i) of this sub-paragraph;
- (f) except where the provisions of the enactment or scheme applying to an officer by virtue of this regulation provide that a pension shall not be reduced in respect of further employment, regulation 40 shall apply to a pension payable in pursuance of this regulation, and in the application of regulation 40 to the reference in paragraph (4)(e)(ii) therein to average remuneration shall be deemed to be a reference to such average remuneration uprated as would be a benefit under the provisions of sub-paragraph (d) of this paragraph;
- (g) an officer to whom this regulation applies shall, for the purpose of determining whether he is entitled to any benefit thereunder, be deemed to have ceased to be an officer on whichever is the later of the following events, namely, when—
- (i) he attains the age of 70 years, or
 - (ii) he is no longer entitled to reckon further service, or
 - (iii) a requirement to pay contributions ceases to apply to him.”;
- (b) in paragraph (4) the reference “, 40” shall be deleted ;
- (c) in the proviso to paragraph (6), for the words “regulations 39 and 40” there shall be substituted “regulation 39”.

(2) In regulation 46(9) of the principal regulations (persons subject to non-statutory superannuation schemes and arrangements) after sub-paragraph (b) there shall be inserted—

- “(c) where the benefits under the scheme or arrangements, or any part of such benefits, are to be paid by the Secretary of State, he may apply, with the necessary changes, the following provisions—
- (i) the provisions of regulation 44(7)(d) in any case where the scheme or arrangements provide for any benefit payable to or in respect of a person to be calculated by reference to the annual average of his remuneration over a final period of his service,

- (ii) the provisions of regulation 44(7)(e) to the widow of a person who dies and who was entitled at the time of his death to a pension, or at that time was an officer and able to reckon not less than the minimum length of service necessary to entitle him to a pension on retirement, and whose pension was or would have been calculated by reference to his service and the annual average of his remuneration over a final period of his service, and
- (iii) the provisions of regulation 44(7)(f) and (g)."

Payments without proof of title

12. After regulation 53 of the principal regulations there shall be inserted—

"Payments without proof of title

53A. Where on the death of any person any sum not exceeding £500 is due to or in respect of that person under these regulations, the Secretary of State may dispense with proof of the title of the personal representatives of that person and pay that sum to the person, or to or among any one or more of any persons, appearing to the Secretary of State on such evidence as he deems satisfactory to be entitled by law to a beneficial interest therein, or in the case of the illegitimacy of the deceased person or his children to or among such persons as the Secretary of State may think fit, and any persons to whom such a payment is made, and not the Secretary of State, shall thereafter be liable to account for any amount so paid."

Amendments relating to purchase of added years

13. For regulation 25 of the principal regulations (reckoning of certain periods of employment, etc., as service on payment of additional contributory payments) there shall be substituted—

"Purchase of added years of contributing service

25.—(1) An officer may elect within 12 months of—

- (a) first becoming an officer;
- (b) becoming an officer without being able to reckon as service previous employment as an officer; or
- (c) becoming an officer in circumstances in which a previous period of employment which was reckonable as service under these or the previous regulations, and for which no transfer value or any other benefit except a return of contributions has been paid, is no longer reckonable,

to make payment in accordance with the provisions of schedule 8, so that complete years of contributing service may be added to his contributing service:

Provided that—

- (i) the time limit of 12 months may be extended to such longer period as the Secretary of State may in any particular case allow, in which event the Secretary of State may vary the provisions of schedule 8 in such manner as he considers to be appropriate;
- (ii) an officer shall not be permitted to elect under this regulation during a period when he is on leave of absence from duty; and
- (iii) if an officer whose remuneration is calculated under paragraph 8(3)(b) or 8(4)(b) of schedule 8 ceases to be an officer during the period therein mentioned (otherwise than by virtue of regulation 20(1)) his election under this regulation shall be cancelled.

(2) An officer to whom sub-paragraph (c) of the preceding paragraph applies who elects to make payments under this regulation so as to reckon previous service mentioned in the said sub-paragraph may do so in respect of any number of completed years of such service and the sum payable shall be one-half of the amount calculated in accordance with schedule 8.

(3) Where an officer has completed payments in accordance with paragraphs (1) or (2) of this regulation, the number of added years so purchased shall be added to his contributing service.

(4) Where any payments in accordance with paragraphs (1) or (2) of this regulation remain to be made by an officer and at least one payment has been made by him—

(a) in the event of his becoming entitled to a pension under regulation 10(1)(a)(i) or dying whilst an officer, the remaining payments shall be waived and there shall be added to his contributing service the total number of years of contributing service that he elected to purchase and such added service shall be reckonable for the purpose of determining entitlement to any benefit under these regulations;

(b) in the event of his ceasing to be an officer in circumstances other than those mentioned in sub-paragraph (a) of this paragraph, there shall be added to his contributing service that proportion of the service which he elected to purchase as the amount paid bears to the total amount due to be paid, except that if within three months of so ceasing to be an officer he pays the balance of the total amount due to be paid, there shall be added to his contributing service the total number of years of contributing service that he originally elected to purchase, so, however, that the balance of the total amount due to be paid shall be reduced by the amount added under paragraph 4 of schedule 8 in respect of the period between the date on which he so ceased to be an officer and the date on which the final payment was due; or

(c) if sub-paragraph (b) of this paragraph has applied to him and he again becomes an officer within three months (any period during which regulation 20 applied to him being disregarded) in circumstances in which his previous service is reckonable, he may within three months of so becoming an officer or within such longer period as the Secretary of State may in any particular case allow, make those payments that he would have made had he not ceased to be an officer and on making such payments his election under this regulation shall continue to have effect.

(5) In the case of a practitioner, in respect of each year that is added to his contributing service by virtue of paragraph (3) or (4) of this regulation there shall be added to his remuneration for the financial year in which the material date (as defined in paragraph 2 of schedule 8) falls the remuneration on which the payments under this regulation were calculated, and a proportionate part of such remuneration shall be added in respect of any part-year.

Additional payments to reckon certain periods of service as contributing service at actual length

25A.—(1) An officer who is entitled under regulation 34(1)(a)(ii) to reckon a period of service as contributing service at half its length may within twelve months of first becoming such an officer elect to pay an amount equal to the contributions he would have paid during that period had his remuneration been

his remuneration on the material date and on making such payment that period shall reckon as contributing service at its actual length:

Provided that—

- (i) the time limit of twelve months may be extended to such longer period as the Secretary of State may in any particular case allow; and
 - (ii) if an officer whose remuneration is calculated in accordance with paragraph 8(3)(b) of schedule 8 ceases to be an officer during the period therein mentioned (otherwise than by virtue of regulation 20(1)) his election under this regulation shall be cancelled.
- (2) Payments under paragraph (1) of this regulation may be made—
- (a) wholly or partly by a lump sum paid within such time as the Secretary of State may specify; and
 - (b) as regards any balance not paid by a lump sum, by equal instalments spread over not more than five years, the first instalment to be paid within such period as the Secretary of State may specify and the whole of the instalments to be paid by the date on which the officer attains the age of 65 years.
- (3) Where any payments in accordance with this regulation remain to be made by an officer—
- (a) in the event of his becoming entitled to a pension payable immediately on ceasing to be an officer or dying whilst an officer, a deduction in respect of any amount due shall be made from any benefit payable under these regulations to or in respect of him;
 - (b) in the event of his ceasing to be an officer in circumstances other than those mentioned in sub-paragraph (a) of this paragraph then, unless within 3 months of so ceasing to be an officer he pays the balance of the total amount due to be paid, there shall be reckonable as contributing service at full length only such proportion of the period of service which he elected to so reckon as the amount paid bears to the total amount due to be paid and the remainder of such period shall reckon as contributing service at half length; or
 - (c) if sub-paragraph (b) of this paragraph has applied to him and he again becomes an officer within 3 months (any period during which regulation 20 applied to him being disregarded) in circumstances in which his previous service is reckonable, he may within three months of so becoming an officer or within such longer period as the Secretary of State may in any particular case allow, make those payments that he would have made had he not ceased to be an officer and on making such payments his election under this regulation shall continue to have effect.
- (4) In this regulation—
- (a) “the material date” means the date on which the officer’s election is received by his employing authority; and
 - (b) “remuneration” in relation to remuneration on the material date has the same meaning as “remuneration” in paragraph 8(3) of schedule 8.”

Consequential amendments relating to the purchase of added years

14.—(1) In regulation 2(2) of the principal regulations (interpretation) in the definition of “added years”, after sub-paragraph (d) there shall be inserted “(e) regulation 25”.

- (2) In regulation 2(9) of the principal regulations (interpretation)—
(a) after the word “33” there shall be inserted “33A,”; and
(b) after sub-paragraph (b) there shall be inserted “(c) any sum paid by him under regulation 25, 25A and 33A,” and the remaining sub-paragraphs shall be re-lettered accordingly;
- (3) In regulation 11(A)(2) of the principal regulations (additional benefits for certain officers) after the words “regulation 34A(8) applies” there shall be inserted “and any service reckonable by virtue of regulation 25”.
- (4) In regulation 20(2)(b) of the principal regulations (intervals in service due to illness or injury) after the words “for the purposes of” there shall be inserted “regulation 33A”.
- (5) In regulation 30 of the principal regulations (reckoning of service)—
(a) in paragraph (1) after sub-paragraph (d) there shall be inserted “(e) any periods added to his contributory service reckonable by virtue of regulation 25.”;
(b) for paragraph (3) there shall be substituted “(3) Any service in respect of which an officer completes or has completed payments in accordance with the provisions of schedule 2 shall be reckonable as contributing service.”.
- (6) For regulation 31 of the principal regulations (continuation of additional contributory payments previously made under the Local Government Regulations, 1954) other than the proviso thereto, there shall be substituted—
“31. Where before 1st January 1974 a person—
(a) became an officer after leaving employment in which he was a contributory employee and thereupon became entitled to reckon service in respect of that employment; and
(b) at the time when he left that employment was, or was treated as if he was, in the course of making additional contributory payments under schedule 2 to the Local Government Regulations, 1954,
he shall be entitled to make the outstanding payments as if they were instalments of a sum payable under schedule 2 to these regulations and, if he completes the payments in the manner provided in schedule 2 to these regulations, to have the service in respect of which they were made reckoned as contributing service and notwithstanding anything in these regulations, that service shall not otherwise reckon:”.
- (7) In regulation 32 of the principal regulations (continuation of additional contributory payments previously made under certain schemes)—
(a) for paragraph (1) there shall be substituted—
“(1) The following provisions of this regulation shall apply where before 1st January 1974 a person—
(a) became an officer after leaving employment in which he was a local Act contributor and thereupon became entitled to reckon service in respect of that employment; and
(b) at the time when he left that employment was in the course of making payments (otherwise than in respect of added years) by way of—
(i) instalments in discharge of a fixed sum; or
(ii) contributions of a fraction or percentage of emoluments

additional to the percentage payable in respect of current service,

as a condition of being entitled to reckon any period of employment in relation to which those payments were being made as a period of service or a period of contribution for the purposes of the local Act scheme, or as a condition of increasing the length at which the said period of employment would be reckonable as a period of service or a period of contribution for the purpose of calculating a benefit under the local Act scheme;

but notwithstanding anything in these regulations, the said period of employment shall not otherwise reckon, or shall reckon as contributing service at the length at which it would have been reckonable if no such payments had been made, as the case may be.”;

(b) for paragraph (3) there shall be substituted—

“(3) Subject to any necessary modifications, this regulation shall also apply in relation to any person who became an officer before 1st January 1974 and thereupon became entitled to reckon as service previous employment (otherwise than as a contributory employee) in which he was subject to a superannuation scheme as if such scheme was a local Act scheme and the expression “local Act contributor” shall be construed accordingly.”;

(8) In regulation 33 of the principal regulations (provisions with respect to added years)—

(a) in paragraph (1) for the words “a person to whom” to the end of subparagraph (a), there shall be substituted “before 1st January 1974 a person—

(a) became an officer after leaving employment in which he was a contributory employee or a local Act contributor and thereupon became entitled to reckon service in respect of that employment; and”;

(b) at the end of paragraph (1) there shall be inserted—

“but notwithstanding anything in these regulations, such added years shall not otherwise reckon.”;

(c) for paragraph (5) there shall be substituted—

“(5) Subject to any necessary modifications, this regulation shall also apply in relation to added years reckonable by any person who became an officer before 1st January 1974 and thereupon became entitled to reckon as service previous employment in which he was subject to a superannuation scheme as if such scheme was a local Act scheme and the expression “local Act contributor” shall be construed accordingly.”.

(9) After regulation 33 of the principal regulations there shall be added—

“Continuation of additional contributions by transferred officers

33A.—(1) Where a transferred officer, other than an officer to whom the provisions of regulation 44 or 46 apply, was, immediately before he became a transferred officer, paying additional contributions in order to reckon added years of service or to increase the length or value at which a period of service may reckon, then if—

(a) within 3 months of becoming a transferred officer he gives notice in writing to his employing authority of his election to continue to make such payments,

(b) he continues to make those payments to his employing authority which he would have been liable to make in his former employment, and

(c) he remains an officer of an employing authority without a break of twelve months or more and without a benefit having been paid,

he shall be entitled to enjoy in relation to his employment as an officer rights in respect of such payments corresponding with those he would have enjoyed if at the time of becoming such transferred officer he had remained in his former employment and notwithstanding anything in these regulations, he shall not otherwise be entitled to enjoy those rights:

Provided that where a transferred officer has made an election in consequence of which he would have made payments to which this regulation applies had he not become such an officer, this regulation shall apply to him as though he had been making those payments immediately before he became such an officer.

(2) An officer who makes payments under paragraph (1) of this regulation in respect of employment in which he is an officer shall also make such payments in respect of all concurrent employment as an officer.”.

(10) In regulation 51(3) of the principal regulations (modification of benefits and obligations) for proviso (ii) there shall be substituted—

“(ii) for the purpose of calculating the amount of any reduction under this paragraph, any period of contributing service added to an officer’s service by virtue of regulations 25, 34(3), 34A(7) or 68(2) or (3) shall be deemed to be a period of service after the material date or the appointed day, as the case may be, during which he paid contributions reduced under this regulation;”.

(11) The schedule to these regulations shall be included as schedule 8 to the principal regulations.

Amendments relating to officers transferred under the National Health Service (Scotland) Act 1972

15.—(1) After regulation 11(A) of the principal regulations there shall be inserted the following regulation—

“Additional benefits for certain transferred officers

11(B). Where an officer was transferred to the employment of an employing authority under the Act of 1972, then,

(a) unless he is a person to whom sub-paragraph (b) of this regulation applies, there shall be payable to or in respect of him on or after his ceasing to be an officer—

(i) an annual amount equal to any additional superannuation benefits which would have been granted by the local authority if he had remained in their employment until the date on which he ceased to be an officer, and

(ii) such payments, supplementary to any superannuation benefits, as would have been made by the local authority if the circumstances in which he ceased to be an officer had occurred immediately before the date on which he was transferred under the Act of 1972, and

(b) if he is a person to whom the provisions of regulation 46(4) apply, there shall be payable to or in respect of him on or after his ceasing to be an officer such payments, supplementary to any superannuation

benefits which may become payable, as would have been made by the local authority if the officer had remained in their employment until the date on which he ceased to be an officer.”.

(2) In regulation 44(2) of the principal regulations (options to retain certain rights corresponding with those previously enjoyed) for the words “16th May 1974 whichever is the later” there shall be substituted “such longer period as the Secretary of State may allow”.

(3) In proviso (iii) to paragraph 2(2)(c) of schedule 7 to the principal regulations (part-time employment) after the words “31st March 1974” there shall be added “or had reasonable expectations that on his retirement from his employment or on his death superannuation benefits would become payable to or in respect of him”.

Amendments relating to forfeiture of rights

16. In regulation 54 of the principal regulations (forfeiture of rights) after the words “forfeit all” there shall be inserted “or any part of any”.

Revocation

17.—(1) The following regulations and schedule are hereby revoked—

(a) in the principal regulations—

- (i) Regulations 10(6), 16.3(A), 16A(3), 60(3) and 64;
- (ii) Regulation 30(1) provisos (iii), (iv), (v) and (vi);
- (iii) Regulations 30(7), 37 and schedule 2.

(b) Regulation 25(1) of the National Health Service (Superannuation) (Scotland) Amendment Regulations 1966(a), as amended(b).

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

Transitional provision relating to widow's pension

18. Where an officer married before, or within six months after, the coming into operation of these regulations and on his death a widow's pension would have been precluded by proviso (ii) to regulation 16(1) of the principal regulations as originally enacted, but is no longer precluded by virtue of regulation 6(a) of these regulations, then if on his retirement his wife, or on his death before retirement his widow, elects to forego that widow's pension in order that there may become payable under the principal regulations an unreduced retiring allowance or death gratuity, no widow's pension shall become payable under the principal regulations in respect of his death.

Transitional provision relating to child's allowance

19. Where a child's allowance was in payment on or after 25th March 1972 to or in respect of a child who satisfies the description contained in regulation 16A(2)(b)(ii) of the principal regulations that allowance shall, subject to paragraph 6 of schedule 6 to those regulations, continue in payment so long as the child continues to satisfy that description.

(a) S.I. 1966/1522 (1966 III, p. 4268).

(b) S.I. 1973/1713 (1973 III, p. 5204).

Transitional provisions relating to the purchase of added years

20.—(1) Where a person was an officer on 1st October 1972 or became an officer after that date but before the coming into operation of these regulations, he may, within twelve months of the coming into operation of these regulations, elect to make payments under regulation 25, except paragraph (2) thereof, of the principal regulations.

(2) Where an election made by an officer mentioned in paragraph (1) of this regulation is received by his employing authority within three months of the coming into operation of these regulations then, for the purpose of calculating the amount of the payments under the said regulation 25 and for paragraph (5) thereof—

(a) the material date shall be deemed to be 1st October 1972 or such later date on which he became an officer;

(b) in the case of an officer, other than a practitioner, his remuneration for the purposes of paragraph 8(3) of schedule 8 to the principal regulations and subject to the provisos thereto, shall be his annual rate of remuneration at the material date or if he was then an officer specified in regulation 9(4) of the principal regulations his average remuneration.

(3) Where a person elects to make payments under paragraph (1) of this regulation and has before the coming into operation of these regulations become entitled to a pension under regulation 10 of the principal regulations, then, notwithstanding the provisions of paragraph 1(b) and (c) of schedule 8 to the principal regulations, the sum payable by him shall be paid in a lump sum.

Transitional provisions relating to additional contributory payments

21.—(1) Where before the coming into operation of this regulation an officer has notified his employing authority of his intention to make a payment under schedule 2 to the principal regulations the payment shall be completed as if these regulations had not been made.

(2) References to the said schedule 2 in regulations 31 and 32 of the principal regulations shall be references to that schedule as if it had not been revoked by regulation 17 of these regulations.

Date from which amendments take effect

22.—(1) Regulations 4, 5, 6 (except paragraph (c)), 7 (except sub-paragraph (1)(b)), 9 (except sub-paragraphs (4) and (5)), 10, 11 (except that part of regulation 11 introducing regulations 44(7)(f) and (g) and 46(9)(c)(iii) of the principal regulations) and 17(1)(a)(i) and (b) shall have effect as from 25th March 1972 in relation to any person who, on or after that date, was an officer or a person to whom regulation 20(1) of the principal regulations applied.

(2) Regulation 6(c) shall have effect as from 25th March 1972.

(3) Regulations 9(4) and (5) and 16 shall have effect as from 1st October 1972 in relation to any person who, on or after that date, was an officer or a person to whom regulation 20(1) of the principal regulations applied.

(4) Regulations 44(7)(f) and (g) and 46(9)(c)(iii) of the principal regulations as introduced by regulation 11 of these regulations shall have effect as from 1st October 1972.

(5) Regulations 14(6), (7), (8) and (9) and regulation 17(1)(a)(ii) shall have effect as from 1st January 1974.

(6) Regulations 3 and 15 shall have effect as from 1st April 1974.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

St Andrew's House,
Edinburgh.

30th July 1974.

Consent of the Minister for the Civil Service given under his Official Seal on
2nd August 1974.

(L.S.)

W. G. Bristow,
Authorised by the Minister for
the Civil Service.

SCHEDULE

Regulation 14

PURCHASE OF ADDED YEARS

1. The sum payable under regulation 25 by an officer shall be calculated in accordance with the provisions of paragraph 8 of this schedule, and may be paid—

- (a) by a lump sum;
- (b) partly by a lump sum and partly, as provided in paragraph 3 of this schedule, by equal instalments; or
- (c) wholly by equal instalments as aforesaid.

2. For the purposes of this schedule the “material date” shall be the date on which an officer’s election to make payment under regulation 25 is received by his employing authority.

3. A lump sum payable under paragraph 1 of this schedule shall be paid within such time after the officer’s election under regulation 25 as the Secretary of State may specify and instalments payable under that paragraph shall be of equal amounts spread over a whole number of years being not less than five years and not more than ten years or over the whole period to the date on which the officer attains the age of 65 years if that period is less than ten years, the first instalment to be paid within such period as the Secretary of State may specify:

Provided that—

- (a) the whole of the instalments shall be paid by the date on which the officer attains the age of 65 years; and
- (b) the instalments payable by an officer, together with any other contributions payable by him under these or the previous regulations, shall not in aggregate exceed 15 per cent of his remuneration or such other limit as the Commissioners of Inland Revenue may from time to time specify.

4. Where payment is made by instalments under paragraph 1 of this schedule, the amount calculated in accordance with paragraph 8 of this schedule shall be increased by 5 per cent for each year over which instalments are to be spread and proportionately for any part-year.

5. Subject to the provisions of regulation 29 and paragraphs 6 and 7 of this schedule, the number of added years of contributing service that an officer may elect to purchase shall not exceed the number in column (2) of the table hereunder as specified opposite the number of years in column (1) of service reckonable on his attaining age 60 if his employment as an officer continued to that age.

TABLE	
(1) Potential number of complete years of contributing service reckonable at age 60	(2) Maximum permitted number of added years
Less than 9	Nil
9	1
10	2
11	3
12	4
13	5
14	7
15	9
16	11
17	13
18	15
19	17
20 or more	20

6. The maximum number of added years of contributing service permitted under paragraph 5 of this schedule shall be reduced, in such manner as the Secretary of State may consider in any particular case to be appropriate, to take account of any retained

benefits to which the officer became entitled before the material date (whether payable before, on or after that date), and for this purpose retained benefits means—

- (a) any pension, lump sum retiring allowance or short service gratuity payable under these or the previous regulations;
- (b) any superannuation benefits, including a return of contributions, payable on termination of employment otherwise than as an officer; and
- (c) such other benefits as the Commissioners of Inland Revenue may from time to time specify:

Provided that this paragraph and paragraphs 5 and 7 of this schedule shall not apply in respect of the purchase of any service under regulation 25(2).

7. Where the limits laid down from time to time by the Commissioners of Inland Revenue would allow added years to be purchased up to a different maximum from that provided in paragraphs 5 and 6 of this schedule, the maximum under this schedule shall be increased or reduced accordingly.

8.—(1) For the purpose of calculating the sum to be paid by an officer under this schedule the table set out below shall be used in accordance with this paragraph.

(2) The age of an officer means his age at the material date.

(3) The remuneration of an officer, other than a practitioner, means the annual average of his remuneration during the three months of continuous employment as such officer—

- (a) before the material date; or
- (b) to the end of the first three months of such employment if that is later than the material date:

Provided that—

- (i) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations, such fees shall be disregarded;
- (ii) in the case of an officer whose remuneration was reduced or suspended by reason of his absence from duty owing to illness or injury, the absence shall be disregarded and no account shall be taken of the reduction or suspension;
- (iii) the rate of remuneration of an officer in part-time employment shall be deemed to be the rate of remuneration which the Secretary of State determines would have been paid in respect of a single comparable whole-time employment.

(4) The remuneration of a practitioner means—

- (a) the annual average of his total uprated remuneration (calculated in accordance with regulation 63(2)(a)) for service as a practitioner before the material date, any service that may be treated as practitioner service by virtue of regulations 65 and 66 of the principal regulations being disregarded; or
- (b) the annual average of his remuneration as a practitioner to the end of the first complete quarter of service as a practitioner if that is later than the material date.

(5) The sum payable by an officer in order to purchase one added year of contributing service shall be calculated by multiplying his remuneration by the amount shown in column (2) of the table set out below corresponding to his age and dividing the product by 100, so, however, that in the case of an officer to whom regulation 51(1) applies such sum shall be reduced by the amount in column (3) of the said table corresponding to his age.

(6) The sum payable by an officer in order to purchase more than one added year of contributing service is the sum calculated in accordance with sub-paragraph (5) of this paragraph multiplied by the number of added years of such service that he elects to purchase.

TABLE

Age (1)	Amount appropriate in respect of each £100 of remuneration (2)	Reduction in respect of a person to whom regulation 51(1) applies (3)
	£	£
20	11·07	0·65
21	11·15	0·68
22	11·23	0·75
23	11·31	0·82
24	11·39	0·87
25	11·48	0·94
26	11·56	1·02
27	11·64	1·09
28	11·72	1·16
29	11·81	1·24
30	11·90	1·34
31	12·00	1·45
32	12·11	1·56
33	12·21	1·70
34	12·32	1·85
35	12·42	2·01
36	12·53	2·18
37	12·64	2·35
38	12·74	2·52
39	12·85	2·69
40	12·96	2·89
41	13·08	3·13
42	13·20	3·37
43	13·32	3·62
44	13·45	3·91
45	13·59	4·20
46	13·73	4·51
47	13·88	4·86
48	14·04	5·27
49	14·19	5·73
50	14·34	6·26
51	14·52	6·83
52	14·74	7·46
53	14·98	8·16
54	15·24	8·93
55	15·54	9·76
56	15·88	10·68
57	16·28	11·68
58	16·74	12·77
59	17·26	13·97
60	17·85	15·33
61	17·93	15·78
62	18·02	16·29
63	18·12	16·86
64	18·23	17·65
65 and over	18·28	18·05

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Health Service (Superannuation) (Scotland) Regulations 1961 which provide for the superannuation of persons engaged in the National Health Service in Scotland.

The main changes are—

(1) the scheme is extended to include ophthalmic medical practitioners; those now being brought into membership who were maintaining substantial insurance policies giving pension cover may elect to continue to maintain those policies and receive a contribution thereto instead of the normal benefits of the scheme (regulation 3);

(2) the arrangement whereby the lump sum retiring allowance or death gratuity for a man is reduced to meet the cost of widow's pension cover will not apply to that part of the payment for service from 25th March 1972; and other changes to rates of death gratuities are introduced (regulations 4 and 5);

(3) the rate of widow's pension is increased from one-third to one-half of the husband's pension rate, and some extension is made in the circumstances in which a widow's pension may be payable (regulation 6);

(4) the rates of allowances to dependent children on the death of a member are increased and a wider range of dependent children will be covered; the allowance will continue indefinitely for those children who were permanently incapacitated (regulations 7 and 19);

(5) limited duration pensions will be payable in respect of a wider range of dependent children (regulation 8);

(6) improvements are made for those who elected to retain the terms of some other scheme instead of joining the main National Health Service scheme; these include the uprating of benefits based on average remuneration over a period to take account of changes in the cost of living in that period; introduction of a system of widow's pensions or improvement on any current rates; relaxation of the provisions for reducing pension in respect of further employment; and the payment of pension at age 70 (or in some cases later) even though employment has not been given up; these improvements apply only where the benefits are paid by the Secretary of State (regulation 11);

(7) provision is made to pay death gratuities of up to £500 without requiring proof of title (regulation 12);

(8) a facility is introduced whereby additional years of service may be purchased at full cost and years of previous service which have ceased to reckon and for which the rights have not been transferred to another scheme may be bought back into reckoning at half cost; the period of full time employment which certain members must complete before being admitted to the scheme may be made fully reckonable on payment of equivalent contributions (regulations 13, 14 and 20 and the schedule);

(9) provision is made to pay to officers transferred to the National Health Service under the National Health Service (Scotland) Act 1972 such enhancements and gratuities as would have been payable by local authorities; these officers are automatically brought into the National Health Service scheme and can opt if they so wish to receive the benefits of the new terms operative in the Local Government Superannuation Scheme at 16th May 1974 (regulation 15); and

(10) the power to direct the forfeiture of benefits is relaxed to permit partial forfeiture as an alternative to complete forfeiture (regulation 16).

Under the power in section 12 of the Superannuation Act 1972, regulations 4, 5, 6, 7 (except sub-paragraph (1)(b)), 9 (except sub-paragraphs (4) and (5)), 10, 11 (except that part of regulation 11 introducing regulations 44(7)(f) and (g) and 46(9)(c)(iii) of the principal regulations) and 17(1)(a)(i) and (b) have retrospective effect as from 25th March 1972; regulations 9(4) and (5) and 16 and that part of regulation 11 introducing regulations 44(7)(f) and (g) and 46(9)(c)(iii) of the principal regulations as from 1st October 1972; regulations 14(6), (7), (8) and (9) and 17(1)(a)(ii) as from 1st January 1974; and regulations 3 and 15 as from 1st April 1974.

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