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STATUTORY INSTRUMENTS

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1985 No. 2036 (S. 153)

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Compensation for Premature Retirement) (Scotland) Amendment Regulations 1985**

<i>Made</i>	- - - -	16th December 1985
<i>Laid before Parliament</i>		10th January 1986
<i>Coming into Operation</i>		31st January 1986

In exercise of the powers conferred on me by section 24 of the Superannuation Act 1972(a) and of all other powers enabling me in that behalf, and with the consent of the Treasury(b), I hereby make the following regulations:—

*Citation and commencement*

1.—(1) These regulations may be cited as the National Health Service (Compensation for Premature Retirement) (Scotland) Amendment Regulations 1985 and these regulations and the National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 1981(c) may be cited together as the National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 1981 to 1985.

(2) These regulations shall come into operation on 31st January 1986 and shall take effect—

- (a) for the purposes of regulation 3 as from 31st March 1984;
- (b) for the purposes of regulation 4(a) as from 4th November 1980; and
- (c) for the purposes of all other regulations as from 31st January 1986.

*Interpretation*

2. In these regulations “the principal regulations” means the National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 1981.

*Definition of employing authority*

3. In regulation 2(1) of the principal regulations in the definition of

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(a) 1972 c. 11.  
(b) See the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670), article 2.  
(c) S.I. 1981/1785.

“employing authority” for the words from “and any” to “relating to” there shall be substituted the words—

“, a State Hospital Management Committee constituted under section 91(2) of the Mental Health (Scotland) Act 1984(a) and any other body concerned with”.

*Crediting of additional period of service*

4. In regulation 5 of the principal regulations—

- (a) in paragraph (2)(a) the words “not less than 5 years and” shall be deleted;
- (b) in paragraph (10)(c) after the words “Superannuation Act 1972” there shall be inserted the words “or under Article 3 of the Superannuation (Northern Ireland) Order 1973”(b).

*Miscellaneous provisions relating to payment of compensation*

5. In regulation 11(2) of the principal regulations—

- (a) for “£1,500,” there shall be substituted the words “£5,000, or such higher amount as would for the time being be applicable in relation to the death if these regulations were an enactment to which section 1 of the Administration of Estates (Small Payments) Act 1965(c) (maximum amount disposable on death without representation) applied,”;
- (b) from the words “or, in the case of” to the words “may think fit,” shall be deleted.

*George Younger,*  
One of Her Majesty’s Principal  
Secretaries of State.

New St Andrew’s House,  
Edinburgh.  
6th December 1985.

We consent,

*Donald Thompson,*  
*T. Garel-Jones,*  
Two of the Lords Commissioners  
of Her Majesty’s Treasury.

16th December 1985.

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(a) 1984 c. 36.  
(b) S.I. 1973/962 (N.I. 13).  
(c) 1965 c. 32.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations)*

These regulations amend the National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 1981 (the principal regulations) which provide for the payment of compensation to or in respect of persons employed in the National Health Service in Scotland who have prematurely retired from that employment in the interests of the efficiency of the service or as a result of being made redundant.

The principal changes are as follows:—

(1) The definition of “employing authority” is expanded to include bodies which are concerned with the provision of health services, even though not constituted under a statute and to cover any cases where the responsibility for staff of a mental hospital changes from the Secretary of State to a State Hospital Management Committee (regulation 3).

(2) The reference to “not less than 5 years” reckonable service in regulation 5(2)(a) of the principal regulations is deleted as that reference is superfluous (regulation 4(a)).

(3) Regulation 5(10)(c) of the principal regulations is amended to prevent any duplication of compensation payments for Northern Ireland civil servants (regulation 4(b)).

(4) The maximum sum payable to legal personal representatives without proof of title is increased from £1,500 to £5,000 or such higher sum as would be applicable and the special arrangements applying in cases where parents were unmarried have been removed (regulation 5).

(5) Under the powers of section 24(3) of the Superannuation Act 1972 regulation 3 has retrospective effect as from 31st March 1984 and regulation 4(a) has retrospective effect as from 4th November 1980 (regulation 1).

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