
 STATUTORY INSTRUMENTS

1986 No. 701 (S. 70)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Superannuation - Special Provisions) (Scotland) Amendment Regulations 1986

<i>Made</i> - - - -	8th April 1986
<i>Laid before Parliament</i>	30th April 1986
<i>Coming into Operation</i>	21st May 1986

The Secretary of State, in exercise of the powers conferred on him by sections 10 and 12 of the Superannuation Act 1972(a), and of all other powers enabling him in that behalf, after consulting with such representatives of persons likely to be affected by these regulations as appear to him to be appropriate, in accordance with section 10(4) of that Act, and with the consent of the Treasury(b), hereby makes the following regulations:-

Citation and commencement

1.—(1) These regulations may be cited as the National Health Service (Superannuation - Special Provisions) (Scotland) Amendment Regulations 1986 and these regulations and the National Health Service (Superannuation - Special Provisions) (Scotland) Regulations 1984(c) may be cited together as the National Health Service (Superannuation - Special Provisions) (Scotland) Regulations 1984 to 1986.

(2) These regulations shall come into operation on 1986 and have effect from 1st April 1974.

Interpretation

2. In these regulations “the principal regulations” means the National Health Service (Superannuation - Special Provisions) (Scotland) Regulations 1984.

Payment of benefit

3. In regulation 4 of the principal regulations -

- (a) for the word “may” there shall be substituted the word “shall”; and
- (b) in paragraphs (b), (c) and (d) for the words “amount aforesaid” there shall be substituted the words “limit specified in paragraph (a) above”.

(a) 1972 c. 11; section 10(1)(a) was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 7, Part II.

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

(c) S.I. 1984/1970.

Benefit payable to widow or other dependant

4. In regulation 5 of the principal regulations -

(a) for the words "regulation 3" where they first occur there shall be substituted the words "regulation 4"; and

(b) for the words from "the Secretary of State" where they occur for the second time to the end of the regulation there shall be substituted the words -

"the Secretary of State shall grant a benefit to the widow or any other dependant of the employee and for that purpose regulation 3 shall have effect as if the employee had died while in the employment of an employing authority and regulation 4 shall have effect as if for the limit specified in that regulation there were substituted the aggregate amount of the periodical payments outstanding at the employee's death or, as the case may be, the difference between the capital value of the annuity and the aggregate amount of the payments made to the employee before his death."

John J. MacKay,
Parliamentary Under Secretary of State,
Scottish Office.

New St Andrew's House,
Edinburgh.
26th March 1986.

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

We consent,
8th April 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the National Health Service (Superannuation - Special Provisions) (Scotland) Regulations 1984 (the principal regulations) which provide for the payment of a benefit to an employee, or the widow or dependant of an employee, who was transferred from local government employment to the employment of the National Health Service in Scotland and who in local government service had expectation of receiving a gratuity under section 18 of the Local Government Superannuation Act 1953 (c.25).

Regulation 3 amends regulation 4 of the principal regulations (payment of benefit), by conferring an entitlement to payment of benefit and clarifying the maximum amount of benefit payable.

Regulation 4 amends regulation 5 of the principal regulations (benefit payable to widow or other dependant), by allowing for an entitlement to the payment of benefit and correcting and clarifying references to other provisions of the regulations.

Under the powers contained in section 12(1) of the Superannuation Act 1972 these regulations in common with the principal regulations which they amend have effect from 1st April 1974 (regulation 1).

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