

1989 No. 1893

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

**The Health and Medicines Act 1988 (Superannuation)
(Savings for Retired Practitioners) Regulations 1989**

<i>Made - - - -</i>	<i>12th October 1989</i>
<i>Laid before Parliament</i>	<i>19th October 1989</i>
<i>Coming into force</i>	<i>1st April 1990</i>

The Secretary of State for Health, in exercise of the powers conferred by section 26(6) of the Health and Medicines Act 1988(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Medicines Act 1988 (Superannuation) (Savings for Retired Practitioners) Regulations 1989 and shall come into force on 1st April 1990.

(2) In these Regulations “the Superannuation Regulations” means the National Health Service (Superannuation) Regulations 1980(b) and other words and expressions used have the same meaning as in the Superannuation Regulations.

Savings in respect of practitioners’ superannuation

2. Notwithstanding the provisions of section 9 of the Health and Medicines Act 1988(c) (revocation of regulation 76 of the Superannuation Regulations(d) and consequent reduction of pension on re-employment as a practitioner after attaining the age of 65 years), where at any time in the period beginning on 1st March 1990 and ending on 31st March 1990—

- (a) a practitioner between the ages of 65 and 70 years, who became entitled to a pension as a practitioner on or after attaining the age of 65 years, was engaged in further employment as a practitioner, and
- (b) regulation 76 of the Superannuation Regulations operated in his case with the result that such further employment was disregarded for the purpose of determining whether the pension payable to him under the Superannuation Regulations should be reduced,

any further employment, between the ages of 65 and 70 years, by that practitioner shall continue to be disregarded as if regulation 76 had not been revoked.

(a) 1988 c.49. The powers are exercised in connection with the coming into force of section 9.

(b) S.I. 1980/362, amended by S.I. 1981/1205, 1982/288, 1765, 1985/39, 1987/2218, 1989/804.

(c) 1988 c.49; the day appointed, by the Health and Medicines Act 1988 (Commencement No. 4) Order 1989 (S.I. 1989/826), for the coming into force of section 9 is 1st April 1990.

(d) Regulation 76 was amended by the National Health Service (Superannuation) Amendment Regulations 1989 (S.I. 1989/804), regulation 29.

Signed by authority of the Secretary of State for Health.

12th October 1989

Roger Freeman
Parliamentary Under Secretary of State Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make savings in connection with the coming into force of section 9 of the Health and Medicines Act 1988 ("the Act"). That section revokes regulation 76 of the National Health Service (Superannuation) Regulations 1980 under which further employment as a medical or dental practitioner within the National Health Service, between the ages of 65 and 70 years, is disregarded for the purpose of determining whether there should be a reduction in a pension payable under those Regulations. Regulation 2 of these Regulations, however, enables those practitioners who, in the month preceding the coming into force of section 9 of the Act, were taking advantage of regulation 76 to continue to do so as if that provision had not been revoked.

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