1960. No. 186 **[C]**

HEALTH SERVICES (SUPERANNUATION) AMENDMENT

REGULATIONS*, DATED THE 23RD DAY OF NOVEMBER, 1960, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SECTION 61 OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

The Ministry of Health and Local Government, in exercise of the powers conferred on it by section 61 of the Health Services Act (Northern Ireland), 1948(**a**), and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland), 1960, and shall come into operation on the first day of December, 1960.

(2) These regulations, the Health Services (Superannuation) Regulations (Northern Ireland), 1954(**b**), the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1957(**c**), the Health Services (Superannuation) (Amendment) (No. 2) Regulations (Northern Ireland), 1957(**d**), the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1959(**e**), and the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1960(**f**), shall be construed as one and may be cited together as the Health Services (Superannuation) Regulations (Northern Ireland), 1954 to 1960.

(3) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"the principal regulations" means the Health Services (Superannuation) Regulations (Northern Ireland), 1954;

"regulation" means regulation contained in the principal regulations; and

"schedule" means schedule to the principal regulations.

2. In regulation 1—

(1) in paragraph (3) thereof there shall be inserted the following new definitions:—

"the Teachers Act" means the Teachers (Superannuation) Act (Northern Ireland), 1950(**g**);

"1923 Act scheme" has the same meaning as in the Teachers Act;

(2) in sub-paragraph (*c*) of paragraph (6) thereof after the words "the Act of 1909" there shall be inserted the words "the Teachers Act or a 1923 Act scheme".

3. In regulation 14—

(1) after proviso (*c*) to paragraph (2) thereof, there shall be inserted the following proviso:—

(**a**) 1948. c. 3.
(**b**) S.R. & O. (N.I.) 1954, No. 83.
(**c**) S.R. & O. (N.I.) 1957, No. 116.
(**d**) S.R. & O. (N.I.) 1957, No. 253.
(**e**) S.R. & O. (N.I.) 1959, No. 95.
(**f**) S.R. & O. (N.I.) 1960, No. 103.
(**g**) 1950. c. 33.

*A draft of these Regulations was approved by resolutions of the Senate and of the House of Commons on the 22nd day of November, 1960.

"(*cc*) in the case of a person who before entering the employment in which he is an officer was employed in such employment as is mentioned in sub-paragraph (*bb*) of paragraph (3) of this regulation—

(i) for the purposes of the foregoing provisions of this paragraph, the term "period of employment" shall include any period treated as a period of employment in contributory service or as a period of contributory service under the Teachers Act and any period reckonable as recognised service for the purposes of the said Act;

(ii) any period of contributory service under a scheme made under section 42 of the Teachers Act and any period of approved external service within the meaning of that Act or by virtue of rules made under section 22 of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956(a), or any period of service which is treated under a scheme made under section 42 of the Teachers Act in the same manner as such approved external service shall not be reckonable as service under these regulations except for the sole purpose of determining whether he is entitled to any benefit thereunder; and

(iii) any period of employment which was qualifying service within the meaning of the Teachers Act and any period of employment in respect of which the person received a return of contributions (not being a return of contributions after last ceasing to be employed in contributory or recognised service within the meaning of the said Act) which he has not subsequently repaid to the Ministry of Education under the proviso to sub-section (2) of section 10 of the said Act shall be disregarded";

(2) in proviso (*d*) to paragraph (2) thereof before the words "the next succeeding paragraph" there shall be inserted the words "sub-paragraph (*a*), (*b*) or (*c*) of";

(3) in proviso (*i*) to paragraph (2) thereof before the words "employment in which he was a contributory employee" there shall be inserted the words "such employment as is mentioned in sub-paragraph (*bb*) of paragraph (3) of this regulation or in";

(4) in proviso (*j*) to paragraph (2) thereof before the words "the employment in which he was a contributory employee" there shall be inserted the words "such employment as is mentioned in sub-paragraph (*bb*) of paragraph (3) of this regulation or";

(5) in proviso (*k*) to paragraph (2) thereof before the words "the employment in which he was a contributory employee" there shall be inserted the words "such employment as is mentioned in sub-paragraph (*bb*) of paragraph (3) of this regulation or";

(6) after sub-paragraph (*b*) of paragraph (3) thereof there shall be inserted the following sub-paragraph:—

"(*bb*) employment as a person in contributory service under the Teachers Act or in recognised service within the meaning of that Act other than employment reckonable as contributory service under a scheme made under section 42 of the said Act or as contributory service by virtue of paragraph (*g*) of sub-section (2) of section 13 of the said Act (which relates to approved external service);".

(a) 1956, c. 22.

4. In regulation 15 after head (i) of sub-paragraph (*b*) of paragraph (1) thereof there shall be inserted the following additional head:—

"(iA) contributory service under the Teachers Act or recognised service within the meaning of that Act;".

5. In regulation 33—

(1) in sub-paragraph (*a*) of paragraph (3) thereof, after the words "established civil servant," there shall be inserted the words "such a person in contributory service under the Teachers Act or in recognised service within the meaning of that Act as is mentioned in sub-paragraph (*bb*) of paragraph (3) of regulation 14,";

(2) in sub-paragraphs (*aa*) and (*b*) of paragraph (3), in paragraph (9) and in paragraph (12) after the words "established civil servant," there shall be inserted the words "such a person in contributory service under the Teachers Act or in recognised service within the meaning of that Act as aforesaid,";

(3) after sub-paragraph (*aa*) of paragraph (3) there shall be inserted the following sub-paragraph:—

"(*aaa*) if he became an officer of an employing authority within twelve months after leaving employment in which he was such a person in contributory service under the Teachers Act or in recognised service within the meaning of that Act as aforesaid, or if he left that employment in order to undertake war service or if immediately after leaving that employment he became engaged in national service, within six months after the termination of that service, and remained an officer until becoming entitled to a pension, without any break of twelve months or more during no part of which he was an established civil servant, such a person in contributory service under the Teachers Act or in recognised service within the meaning of that Act as aforesaid, a contributory employee, a local Act contributor or a person subject to the Belfast Corporation Superannuation Scheme or the Local Government Superannuation Regulations, and if by virtue of regulations made under sub-section (4) of section 66 of the National Insurance Act (Northern Ireland), 1946(a), modifying the Teachers Act or a 1923 Act scheme any superannuation allowance to which he might have become entitled under the Teachers Act or under a 1923 Act scheme would have been reduced by reference to his age at a given date—

(i) by the annual sum shown in the appropriate column of the relative table set out in the fifth schedule in relation to an age which corresponds with his age at the date which was relevant for the purposes of the aforesaid regulations modifying the Teachers Act or a 1923 Act scheme for each year of contributing service on and after that date; and

(ii) by one-half of the said annual sum for each year of non-contributing service on and after the said date;";

(4) in paragraph (8) thereof after the words "established civil servant" in each place where they occur except where they occur for the last time there shall be inserted the words "such a person in contributory service under the Teachers Act or in recognised service within the meaning of that Act as aforesaid," and after the words "the Superannuation Acts" there shall be inserted the words ", the Teachers Act or a 1923 Act scheme".

(a) 1946. c. 23.

6. In regulation 38 in paragraph (2) thereof after the words "established civil servant" there shall be inserted the words "or such employment as is mentioned in sub-paragraph (*bb*) of paragraph (3) of regulation 14" and after the words "Ministry of Finance" where they occur for the second time there shall be inserted the words ", the Ministry of Education".

7. In the second schedule in sub-paragraph (*d*) of paragraph (3) thereof, after the words "together with an amount equal to any income tax which was deducted from such payments in respect of such return" in the first place where they occur there shall be inserted the words "or enters employment in which he is in contributory service under the Teachers Act, otherwise than under a scheme made under section 42 of that Act, or otherwise than by virtue of paragraph (*g*) of sub-section (2) of section 13 of that Act or of rules made under section 22 of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956, in which event, subject as hereinafter provided, the right to receive the balance of the debt shall be deemed to be transferred to the Ministry of Education, and the officer shall pay to that Ministry an amount equal to any sum which may have been returned to him in respect of payments made by him on account of the debt, together with an amount equal to any income tax which was deducted from such payments in respect of such return".

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 23rd day of November, nineteen hundred and sixty, in the presence of

(L.S.) *Ronald Green,*
Secretary.

The Ministry of Finance hereby approves the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 23rd day of November, nineteen hundred and sixty, in the presence of

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations provide part of an interchange arrangement between the Teachers Superannuation scheme and the Health Services Superannuation scheme. Together with complementary rules made under the Teachers (Superannuation) Acts they provide a basis for interchange of superannuation rights between the two schemes.