(*b*) are the spouses or dependants of persons referred to in paragraph (*a*) of this Regulation ; or

(*c*) are persons to whom reciprocal arrangements made under the National Insurance Act (Northern Ireland), 1946 apply.

8. General Medical Services, Pharmaceutical Services and General Dental Services (so far as concerns dental treatment for the relief of pain or other urgent symptoms) shall be available to persons who are ordinarily resident in the Isle of Man.

9. The classes of persons referred to in Regulation 5 and Regulation 8 shall be exempt from any charges (other than the charges referred to in sub-section (8) of Section 21 and sub-section (2) of Section 29 of the Act) made by the Northern Ireland Hospitals Authority or a health authority under the provisions of sub-section (1) of Section 75 of the Act.

10. In determining for the purposes of the Act and of these Regulations whether a person (or the spouse or dependants of that person) is or is not ordinarily resident in Northern Ireland, Great Britain or the Isle of Man, the absence of such person from Northern Ireland, Great Britain or the Isle of Man in the service of the Crown or the absence, in consequence thereof, of the spouse or dependants as aforesaid shall be disregarded.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-sixth day of April, one thousand nine hundred and fifty, in the presence of

(L.S.) *L. G. P. Freer*,
Secretary.

Superannuation

REGULATIONS,* DATED THE 28TH DAY OF JUNE, 1950, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SUB-SECTION (1) OF SECTION SIXTY-ONE OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1950. No. 115.

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by sub-section (1) of Section sixty-one of the Health Services Act (Northern Ireland), 1948 (a), and with the approval of the Ministry of Finance for Northern Ireland, hereby makes the following Regulations :—

(a) 1948, c.3.

* A draft of these Regulations was approved by resolutions of the House of Commons and of the Senate on the 27th day of June, 1950.

1.—(1) These Regulations may be cited as the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1950, and shall, except where otherwise provided, come into operation on the first day of July, 1950.

(2) These Regulations and the Health Services (Superannuation) Regulations (Northern Ireland), 1948 (**a**), and the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1949 (**b**), shall be construed as one and may be cited together as the Health Services (Superannuation) Regulations (Northern Ireland), 1948 to 1950.

(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), 1948, as amended by the Health Services (Superannuation) (Amendment) Regulations (Northern Ireland), 1949 ;

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

" the Act of 1943 " means the Belfast Corporation Act (Northern Ireland), 1943 (**c**) ;

(4) The Interpretation Act, 1921, applies for the purpose of the interpretation of these regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2. In Regulation 1, in paragraph (3) thereof, in the definition of " pensionable age " after the word " means ", where it first occurs, there shall be inserted the words " for the purposes of the proviso to Regulation 6 (1) the age of sixty-five years and for all other purposes ".

3. In Regulation 2 —

(*a*) in paragraph (*c*) and (*d*) thereof, references to a person being transferred under the Act shall be construed as including references to his entering employment under an employing authority in consequence of the acquisition by the Authority under Section 67 of the Act of any premises at or for the purposes of administering the services provided at which he was employed at the date of acquisition ;

(*b*) in paragraph (*f*) thereof, after the words " employing authority " insert the words " local authority " ; and

(*c*) at the end of the regulation there shall be added the following new paragraph —

" (2) Notwithstanding anything in the foregoing provisions of this regulation, this part of these regulations shall not apply to any officer of an employing authority who is in receipt of a pension payable

(a) S. R. & O. (N.I.), 1948, No. 161. (b) S. R. & O. (N.I.), 1949, No. 9.
(c) 1943, c. i.

out of public funds to which he became entitled on retirement after the attainment of a specified age and which is not liable to be reduced or suspended in consequence of his employment under that authority :

Provided that this paragraph shall not apply to a person who has become an officer of an employing authority before the first day of August, 1950."

4. In Regulation 4 —

(*a*) in paragraph (1) thereof, after the words " has not attained " delete the words " pensionable age " and insert the words " such an age as is hereinafter mentioned " ;

(*b*) the following new paragraph shall be added —

" (1A) The age referred to in the preceding paragraph is, subject as hereinafter provided, an age greater by five years than pensionable age or, in the case of a person who before attaining such greater age has completed forty-five years contributing service or forty-five years contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, his age at the date on which he completed such service or, if that age is less than pensionable age, then pensionable age :

Provided that the age aforesaid is pensionable age in relation to any person who is or was over pensionable age on the date on which he first became an officer, not being a person who before becoming an officer was entitled to a pension or injury allowance payable out of public funds otherwise than under the National Insurance Acts (Northern Ireland), 1946, or who apart from this paragraph might become entitled to a pension under these regulations " ; and

(*c*) in paragraph (2) thereof, the following proviso shall be added —

" Provided that the provisions of this paragraph shall not apply, or shall cease to apply to an officer who has suffered a reduction in his remuneration in the circumstances aforesaid, if at the time of such reduction, or within twelve months thereafter he entered or enters other employment in circumstances in which a transfer value was or is payable in respect of him ".

5. In Regulation 6 —

(*a*) in paragraph (2) thereof, the following proviso shall be inserted —

" (*aa*) in the case of a married male officer to whose widow a pension will not become payable because she is such a person as is mentioned in proviso (*c*) to Regulation 11 (1) the amount of the allowance shall be reduced by two-ninths thereof " ;

(*b*) in sub-paragraph (*c*) of paragraphs (3) and (4) thereof, there shall be inserted after the words " each year " and the words " that year " the words " or part of a year " ;

(*c*) in paragraph (4) thereof, the following new proviso shall be inserted —

" (iA) in the case of a married male officer to whose widow a pension will not become payable because she is such a person as is mentioned in proviso (*c*) to Regulation 11 (1) the amount of the allowance shall be reduced by two-ninths thereof " ;

(*d*) in proviso (ii) to paragraph (4) thereof, there shall be inserted after the words " each year ", where those words last occur, the words " or part of a year " ; and

(*e*) the following new paragraphs shall be added —

" (5) Where the retiring allowance paid to a married male officer has been calculated in accordance with the provisions of proviso (*a*) to paragraph (2) or proviso (i) to paragraph (4) of this regulation, and the officer's wife becomes entitled to a pension under these regulations, there shall be paid to the officer a sum equal to two-thirds of the difference between the amount of the retiring allowance so paid to him and the amount of the retiring allowance which would have been paid to him had he not been a person to whom the said provisions applied.

(6) Where an officer has become entitled to a retiring allowance, and the amount of such allowance, together with the capital value of any pension to which the officer may also have become entitled, is less than the amount of his average remuneration then, if he requests the Ministry in writing to apply this provision to his case, the Ministry may either increase the amount of the retiring allowance by the amount of the capital value of the death gratuity and of any widow's pension which would apart from this provision become payable on his death or increase the amount of any such pension as aforesaid by an equivalent annual sum, and if the Ministry exercises this discretion no death gratuity or widow's pension shall be payable in respect of him."

6. In Regulation 7 —

(*a*) in paragraph (1) thereof, there shall be substituted for the words " without his own default, and specifically attributable to the nature of his duty " the words " specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or by a disease which he has contracted and to which he was exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by his own serious and culpable negligence or misconduct " ; and

(*b*) the following new paragraph shall be added —

" (3) If such a person as is mentioned in paragraph (1) of this regulation dies as a direct result of the injury he sustained or the disease he has contracted, the Ministry may grant to his widow such gratuity

or annual allowance as it may consider reasonable having regard to all the circumstances of the case, including any right to any benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, or any other statutory right to benefit or compensation, or any right to superannuation benefits, whether under these regulations or otherwise."

7. In Regulation 9 —

(*a*) in paragraph (1) thereof, the words " other than a married male officer in respect of whose services a widow's pension may become payable under these regulations " shall be omitted ; and

(*b*) in paragraph (2) thereof, the words " other than such a married male officer as aforesaid " where they occur shall be omitted.

8. In Regulation 10 —

(*a*) in proviso (i) thereto, there shall be added the words — " or, if the capital value of the widow's pension is less than the amount of the death gratuity which would have been payable apart from this proviso, a sum equal to the difference between such capital value and such amount, whichever of the two sums is the greater " ; and

(*b*) in item (*iii*) of proviso (ii) thereto, there shall be inserted after the words " each year " and the words " that year " the words " or part of a year ".

9. In Regulation 11 —

(*a*) in paragraph (1) thereof, for the proviso thereto there shall be substituted —

" Provided that this paragraph shall not apply —

(*a*) in the former case, if the marriage took place on or after the date on which the husband became entitled to the pension or allowance ;

(*b*) in either case, if the husband, before ceasing to be employed or, if he died while still an officer, before dying, had reached pensionable age or, not having reached pensionable age, would have been entitled to a pension on ceasing to be employed and had completed forty years contributing service, or forty years contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, and the marriage took place on or after the date on which he reached pensionable age or would have been so entitled to a pension as aforesaid ;

(*c*) if the wife was herself entitled to a pension under these regulations otherwise than as a practitioner or became so entitled on the death of her husband, or if, being an officer,

other than a practitioner, she had reached such an age and completed such number of years of service as would entitle her to a pension under these regulations on her ceasing to be employed ; or

(*d*) if the husband and wife were judicially separated." ; and

(*b*) in paragraph (3) thereof, proviso (i) shall be omitted.

10. In Regulation 13 —

(*a*) in paragraph (1) thereof, there shall be substituted for the words " pensionable age " the words " such an age as is hereinafter mentioned " ;

(*b*) the following new paragraph shall be inserted —

" (1A) The age referred to in the preceding sub-paragraph is, subject as hereinafter provided, an age greater by five years than pensionable age or, in the case of a person who before attaining such greater age has completed forty-five years contributing service or forty-five years contributing service and non-contributing service, the non-contributing service being reckoned at half its actual length, his age at the date on which he completed such service or, if that age is less than pensionable age, then pensionable age :

Provided that the age aforesaid is pensionable age in relation to any person who is or was over pensionable age on the date on which he first became an officer, not being a person who before becoming an officer was entitled to a pension or injury allowance payable out of public funds, otherwise than under the National Insurance Acts (Northern Ireland), 1946, or who apart from this provision might become entitled to a pension under these regulations " ;

(*c*) in paragraph (2) thereof, the following proviso shall be added —

" (*c*) where a person has ceased to hold employment as an officer of an employing authority but continues in the employment of that authority otherwise than as an officer, the reference in this paragraph to a period of twelve months after a person left such first mentioned employment shall be construed in relation to the person as a reference to a period of twelve months after his leaving such last mentioned employment " ;

(*d*) in paragraph (3) (*b*) thereof there shall be added —

" (v) the Act of 1943 " ;

(*e*) in paragraph (3) thereof the following provisos shall be added —

" Provided that —

(*a*) where a person has been in more than one such employment as is mentioned in this paragraph within a period of twelve months before the date on which he became an officer, the

other employment referred to in the last preceding paragraph shall be the last of such employments ; and

(*b*) a person who has been in such employment as is mentioned in head (iv) of sub-paragraph (*b*) of this paragraph shall not be treated as having been in such employment unless the Ministry so directs " ;

(*f*) in paragraph (6) thereof, there shall be inserted after the word " hospital ", wherever it occurs, the words " or premises ", there shall be substituted for the words " of which " the words " of administering the services provided at which " and there shall be substituted for the word " has " the words " has or have " ; and

(*g*) the following new paragraphs shall be added —

" (8) Notwithstanding the preceding provisions of this regulation, where an officer, not being a female nurse or physiotherapist, midwife or health visitor, has not attained the age of sixty years or, if the officer is a mental health officer, the age of fifty-five years, and he has completed forty years service, any non-contributing service being reckoned at half its actual length, the period of his employment between the date on which he completed that service and the date on which he attains such age as aforesaid shall not be reckonable as service for any of the purposes of these regulations.

(9) Where an officer of an employing authority reached pensionable age on or after the appointed day, then if he is such an officer on the first day of August, 1950, he shall be entitled to reckon as service the period of his employment from the date on which he reached pensionable age until the first day of August, 1950, if within three months after that day he pays to the employing authority a sum equal to the amount of the contributions he would have been required to make in respect of that period of employment had he not reached pensionable age, and if he pays such sum he shall be deemed to have made the contributions required by Regulation 4 in respect of that period of employment."

11. In regulation 14, in paragraph (1) (*b*) thereof, in item (i) thereof, there shall be added the words " or the Act of 1943."

12. In Regulation 15, the following new paragraph shall be added —

" (4) If a decision has not been given by a committee of management in respect of a person before the date of transfer of such person the discretion given to a committee of management under paragraph (1) of this regulation may be exercised not later than the thirty-first day of December, 1950, in respect of such person by the local authority or local authorities who appointed the committee of management in the same manner and subject to the same conditions set out in the said paragraph (1) and the decision of such local authority or local authorities shall have effect as if it had been made by a committee of management before the date of transfer."

13. In Regulation 17 —

(*a*) for the words " before attaining pensionable age " there shall be substituted the words " before attaining such age as hereinafter mentioned " ;

(*b*) for the words " if he attained pensionable age before ceasing to be such officer or dying, the date on which he attained pensionable age " there shall be substituted the words " if he attained that age before ceasing to be an officer or dying, the date on which he attained that age " ;

(*c*) in proviso (*a*) thereto, for the words " pensionable age " there shall be substituted the words " such age as aforesaid " ;

(*d*) in proviso (*f*) thereto, there shall be substituted for the word " whole-time ", where it first occurs, the words " any other ", and for the words " the whole-time " the words " that other " ; and

(*e*) the following new paragraph shall be added —

" (2) The age referred to in the preceeding paragraph is, subject as hereinafter provided an age greater by five years than pensionable age or, in the case of a person who before attaining such greater age has completed forty-five years contributing service or forty-five years contributing and non-contributing service, the non-contributing service being reckoned at half its actual length, his age at the date on which he completed such service or, if that age is less than pensionable age, then pensionable age :

Provided that the age aforesaid is pensionable age in relation to any person who was over pensionable age on the date on which he first became an officer, not being a person who before becoming an officer was entitled to a pension or injury allowance payable out of public funds, otherwise than under the National Insurance Acts (Northern Ireland), 1946, or who apart from this provision might become entitled to a pension under these regulations."

14. In Regulation 19 —

(*a*) delete the word " half- " wherever it occurs ;

(*b*) delete the words " or the first day of October " ; and

(*c*) in provisos (*b*) (i) and (*b*) (ii) thereto, after the words " first day of " insert the words " April in " ;

15. The following new regulations shall be inserted after Regulation 21 —

" *Re-employment of pensioner by employing authority*

21A—(1) Where a person who has become entitled to a pension retiring allowance or injury allowance under these regulations has again become an officer of an employing authority, he may, if he so elects, as from the date on which he ceases to be an officer, be entitled to benefits in accordance with the following provisions of this regulation

in lieu of any pension or injury allowance to which he has become entitled as aforesaid and of any benefits to which he might otherwise be entitled under these regulations in respect of his service as such officer.

(2) A person to whom the preceding paragraph applies shall be entitled on ceasing to be an officer to receive the like benefits as he would be entitled to receive if the service in respect of which he previously became entitled to a pension, retiring allowance or injury allowance were reckonable in addition to his service as such officer :

Provided that if the person had previously been entitled to a retiring allowance under these regulations, the retiring allowance to which he becomes entitled by virtue of this paragraph shall be reduced by the amount of the first mentioned retiring allowance.

(3) Where a person who has become entitled to benefits under this regulation dies, regard shall be had for the purposes of the application of proviso (v) to Regulation 10 of any payments made on account of any pension, retiring allowance or injury allowance to which he had previously been entitled.

(4) If a person to whom paragraph (1) of this regulation applies had taken advantage of the provisions of Regulation 9 in relation to any pension or injury allowance to which he had previously become entitled as aforesaid, no title to any pension shall accrue by reason thereof.

21B—(1) Where a person who is entitled to a pension or injury allowance payable out of public funds, whether under these regulations or otherwise, has become an officer of an employing authority, and his pension or allowance is on that account liable to be reduced or suspended, then, unless he is a person to whom the last preceding regulation applies and he has made an election thereunder, the service in respect of which that pension or allowance was granted shall be reckonable for the purpose of determining whether the person is entitled to receive any benefit under these regulations, but for no other purpose.

(2) In the calculation of any benefit payable to or in respect of such a person under these regulations, whether by virtue of the preceding paragraph or otherwise, account shall not be taken of any number of years of service under these regulations by which those years, together with the years of service in respect of which the pension aforesaid was granted, exceed forty-five years :

Provided that where the said pension was granted to a first class officer under the Act of 1909, the number of years in respect of which the pension was granted shall be multiplied by six-fifths, and any fraction of a year shall be disregarded.

(3) Where a benefit, other than a short service gratuity, becomes payable to or in respect of a person to whom this regulation applies, any provision of these regulations prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the

amount of the person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him shall be disregarded.

(4) Where a short service gratuity becomes payable to a person to whom this regulation applies, and the service which he is entitled to reckon for the purpose of calculating any benefit under these regulations is less than five years, the short service gratuity shall be reduced in the same proportion as the difference between the number of years of service so reckonable as aforesaid and five years bears to five years.

(5) Where a person who has become entitled to benefits under this regulation dies, no regard shall be had for the purposes of the application of proviso (v) to Regulation 10 to any payments made on account of any pension, retiring allowance or injury allowance to which he became entitled before last becoming an officer.

(6) Notwithstanding anything in this regulation the benefits payable under these regulations to or in respect of a person shall not be less than the benefits which would have been payable under these regulations had this regulation not been made.

21C. Where such a person as is mentioned in Regulation 21A dies while still an officer, the benefits payable in respect of him shall be calculated as if immediately before his death he had become entitled to a pension under Regulation 21A or a pension under Regulation 21B, whichever method of calculation is the more favourable."

16. In Regulation 22 —

(*a*) In paragraph (1) thereof, there shall be inserted after the words " transferred under the Act becomes " the words " or in consequence of the acquisition by the Authority under section 67 of the Act of premises at or for the purposes of administering the services provided at which he was employed at the date of acquisition becomes or has become " ;

(*b*) in paragraph (2) thereof, there shall be inserted after the words " transferred under the Act " the words " or becoming an officer in consequence of the acquisition by the Authority under section 67 of the Act of any premises at or for the purpose of administering the services provided at which he was employed at the date of acquisition " ; and

(*c*) the following new paragraphs shall be added —

" (3) Where a person to whom paragraph (1) of this regulation applies becomes entitled to a pension or injury allowance, the conditions prescribed by Regulations 20, 21 and 21A shall not apply in relation thereto, but in lieu thereof any corresponding conditions prescribed by the enactment or scheme to which he was subject immediately before becoming an officer shall attach to the pension or allowance as if it had been granted under that enactment or scheme, and as if any

employment as an officer of an employing authority, whether before or after his becoming entitled to the pension or allowance, were employment in the capacity in which he was subject to the said enactment or scheme.

(4) Where a person had exercised or been treated as having exercised an option under paragraph (1) of this regulation to retain rights enjoyed by him immediately before becoming an officer and that option has not ceased to have effect then that person may within six months after the first day of August, 1950, give notice in writing to the employing authority that he wishes the option to cease to have effect and, if he gives notice accordingly, that option shall cease to have effect and the aforesaid provision shall cease to apply to him as from the first day of the month, or in the case of a person in receipt of weekly remuneration, the first day of the week next following the month or week, as the case may be, in which the notice is given."

17. In Regulation 23, in paragraph (1) thereof, there shall be substituted for the words " thereby conferred " the words " under paragraph (1) of that regulation or who exercises the option under paragraph (4) of that regulation ".

18. In Regulation 24 —

(*a*) in paragraph (1) (*c*) thereof, there shall be inserted after the word " hospital " the words " or premises ", and there shall be substituted for the words " of which " the words " of administering the services provided at which " ;

(*b*) in paragraph (3) thereof, for the word " immediately " there shall be substituted the words " within twelve months " ; and

(*c*) the following new paragraphs shall be added —

" (7) A person to whom the provisions of paragraph (1), (2) or (3) of this regulation apply may within six months after the first day of August, 1950, give notice in writing to the employing authority that he wishes the option by virtue of the exercise of which he became such a person to cease to have effect, and if he gives notice accordingly, that option shall cease to have effect, and the provisions aforesaid shall cease to apply to him —

(*a*) if he has been participating in a scheme for providing superannuation benefits by means of contracts or policies of insurance, as from the next day following the date on which he gives such notice, on which the premium on any policy held on his behalf as such participant becomes payable ; or

(*b*) if he has been participating in a superannuation scheme of any other character, as from the first day of the month or, in the case of a person in receipt of weekly remuneration, the first day of the week, next following the month or week, as the case may be, in which the notice is given.

(8) Where a person to whom paragraph (1) or (2) of this regulation applied has given the notice provided for in the last preceding paragraph, the provisions of paragraph (6) of Regulation 13 shall apply as if he were a person who had become subject thereto on becoming an officer, and as if his employment as a person subject to this regulation had been such employment as is mentioned in those provisions :

Provided that where a benefit becomes payable to or in respect of a person to whom this paragraph applies, and the amount of that benefit falls to be calculated by reference to any provision of these regulations prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him, then, if the number of years of service reckonable by the person is less than any minimum number of years of qualifying service prescribed for the receipt of the said benefit, the amount of the said benefit, in so far as it is obtained by reference to the said provision, shall be reduced in the same proportion as the difference between the number of years of service so reckonable as aforesaid and the minimum number of years of qualifying service bears to the minimum number of years of qualifying service."

19. In Regulation 25 —

(*a*) after the word " hospital ", wherever it occurs, there shall be inserted the words " or premises " ;

(*b*) in paragraph (1) thereof, there shall be substituted for the words " of which " the words " of administering the services provided at which " and there shall be substituted for the word " has " the words " has or have " ; and

(*c*) in paragraph (2) thereof, there shall be inserted after the words " Regulation 33 applies " the words " or in the case of a person who has entered employment in which he is a participant in a superannuation scheme in England and Wales or Scotland approved by the Ministry under Regulation 38 in respect of whom the Ministry has paid a sum under that regulation, as a pensionable officer of an employing authority within the meaning of regulations made by the Minister of Health under section 67 (1) of the National Health Service Act, 1946, or the Secretary of State for Scotland under section 66 (1) of the National Health Service (Scotland) Act, 1947."

20. In Regulation 29 —

(*a*) in sub-paragraph (*b*) thereof, there shall be inserted after the words " and Regulations " the figures " 13 (8) " ; and

(*b*) the following new paragraph shall be added —

" (2) Where a person becomes an officer otherwise than in the capacity of a mental health officer within twelve months after ceasing to be a mental health officer to whom paragraph (1) of this regulation was applicable, the provisions of sub-paragraph (*b*) of paragraph (1) shall continue to apply to him so long as he remains without a break of more than twelve months at any one time an officer in the employment of any employing authority."

21. In Regulation 30 —

(*a*) in paragraph (3), in sub-paragraph (*b*) thereof, there shall be inserted after the word " hospital " the words " or premises ", and there shall be substituted for the words " of which " the words " of administering the services provided at which " ; and

(*b*) the following new paragraph shall be added —

" (11) Where a person becomes an officer of an employing authority within twelve months after leaving such employment as is mentioned in Regulation 13 (3) (*b*) (iv), or, if he left that employment in order to undertake war service within six months after the termination of that service, and in that employment he was an insured person within the meaning of the National Insurance Act (Northern Ireland), 1946, or any corresponding enactment in force in the part of His Majesty's dominions in which he was employed then —

(*a*) if he had been excepted from the operation of any provision (hereinafter called " the modification provision ") of the scheme to which he was subject modifying the benefits provided by the scheme in relation to any such insured person as aforesaid, paragraph (1) of this regulation shall not apply in relation to him so long as he is an officer of an employing authority without a break of more than twelve months at any one time ;

(*b*) if he had not been so excepted —

(i) the provisions of this regulation shall apply to him as if any service which he is entitled to reckon under these regulations, being service of which account would have been taken under the modification provision for the purpose of reducing any benefit to which the person might have become entitled under the said scheme had he continued to be subject thereto, were contributing service rendered on or after the appointed day ; and

(ii) if the modification provision modified any benefit to which he might have become entitled under the said scheme by reference to a Table and to his age at a given date, this regulation shall have effect as if he was a person to whom paragraph (3) (*b*) thereof applied, except that the reference therein to his age at a given date shall be construed as a reference to his age at the

date which was relevant for the purposes of the modification provision :

Provided that sub-paragraph (*b*) (ii) of this paragraph shall not apply to any person unless the modification provision, or any corresponding provision modifying the benefits provided by any superannuation scheme to which he was formerly subject in employment which was reckonable as service for the purposes of the scheme applicable to him in such employment as is mentioned in Regulation 13 (3) (*b*) (iv) applied to him on or before the appointed day."

22. In Regulation 33, in paragraph (2) (*b*) thereof, there shall be inserted after the word " hospital " where it occurs the words " or premises ".

23. In Regulation 35, in paragraph (1A) thereof, there shall be substituted for the words " Government Actuary shall indicate as being equivalent to " the words " Ministry of Finance shall indicate as representing ".

24. In Regulation 36 —

(*a*) in paragraph (1) thereof, there shall be inserted after the word " practitioner " the words " other than a person rendering specialist services pursuant to section 21 of the Act " ;

(*b*) for paragraph (2) thereof there shall be substituted the following paragraph —

" (2) These regulations, as so applied, shall have effect in relation to —

(*a*) any medical practitioner or dental practitioner on the list of the Board subject to the modification that for the references in Regulations 4 (1), 13 (1) and 17 (1) to such an age as is thereinafter mentioned there shall be substituted a reference to pensionable age ; and

(*b*) any practitioner, other than an assistant practitioner, subject to the modification that for the definition of remuneration in Regulation 1 (3) there shall be substituted the following definition, namely ' " remuneration " means all payments made by the Board to the practitioner in respect of general medical services or general dental services provided by him, and of pharmaceutical services provided by him, less such sum on account of practice expenses as may be appropriate in accordance with a formula laid down by the Ministry for the purpose, and less the remuneration approved by the Ministry of any assistant practitioner in his employment ;

Provided that —

(i) if the practitioner is a party with any other practitioner or practitioners to a partnership agreement, his remuneration shall, if such practitioners assent by notice in writing given to the Board be deemed to be such proportion of the total remuneration of such practitioners as the proportion of his share in the partnership profits bears to the total proportion of the shares of such practitioners in those profits ;

(ii) if the practitioner is simultaneously employed as an officer of an employing authority or a local authority, and as a term or condition of his employment as such officer he is required to account to the employing authority or local authority for any remuneration received by him as a practitioner, that remuneration shall not be treated as remuneration within the meaning of the foregoing definition ; and

(iii) as from the first day of April, 1950, no account shall be taken of any remuneration of a dental practitioner in excess of £3,500 per annum '."

(*c*) in paragraph 3 —

(i) the words " Subject to the provisions of paragraph (5) of this regulation " shall be omitted ;

(ii) in sub-paragraph (*d*) thereof, in the substituted Regulation 6, in sub-paragraph (*a*) of paragraph (1) thereof, there shall be inserted after the words " each year " and the words " that year " the words " or part of a year " ;

(iii) in sub-paragraph (*d*) thereof, in the substituted Regulation 6, in the proviso (ii) to paragraph (2) thereof there shall be inserted after the words " each year " where they first occur the words " or part of a year " ;

(iv) in sub-paragraph (*d*) thereof, in the substituted Regulation 6, in paragraph (2) thereof there shall be added the following new proviso —

" (vi) in the case of a married male officer to whose widow a pension will not become payable because she is such a person as is mentioned in proviso (*c*) to Regulation 11 (1), the amount of the allowance shall be reduced by two-ninths thereof " ;

(v) in sub-paragraph (*d*) thereof, in the substituted Regulation 6 there shall be added the following new paragraphs —

" (3) Where a retiring allowance paid to a practitioner has been calculated in accordance with the provisions of proviso (i) to the last preceding paragraph and the practitioner's wife has become such a

person as is mentioned in proviso (*c*) to Regulation 11 (1), there shall be paid to the practitioner a sum equal to two-thirds of the difference between the amount of the retiring allowance so paid to him and the amount of the retiring allowance which would have been paid to him had he not been a person to whom the said provisions applied.

(4) Where a practitioner has become entitled to a retiring allowance and the amount of such allowance, together with the capital value of any pension to which the officer may also have become entitled, is less than the amount of his average remuneration, then, if he requests the Ministry in writing to apply this provision in his case, the Ministry may either increase the amount of the retiring allowance by the amount of the capital value of the death gratuity and of any widow's pension which would apart from this provision become payable on his death or increase the amount of any such pension as aforesaid by an equivalent annual sum, and if the Ministry exercises this discretion, no death gratuity or widow's pension shall be payable in respect of him " ;

(vi) in item (i) of paragraph (*e*) thereof, there shall be inserted after the words " each year " and the words " that year " the words " or part of a year " ;

(vii) in sub-paragraph (*f*) thereof, there shall be added the words " and the remuneration received in respect of that non-contributing service being reckoned at half its actual amount " ;

(viii) in sub-paragraph (*g*) thereof, there shall be inserted before the word " officer " the word " part-time ", and the words " in some other capacity " shall be omitted ;

(ix) in sub-paragraph (*h*) thereof, there shall be inserted after the words " that fraction shall " the words " for all the purposes of these regulations except the provisions of sub-paragraph (*a*) and sub-paragraph (*c*) of paragraphs (3) and (4) of Regulation 6, proviso (ii) to paragraph (4) of Regulation 6, item (iii) of proviso (ii) to Regulation 10, paragraphs (1) and (2) of Regulation 8 as substituted by sub-paragraph (*d*) of this paragraph and item (i) of sub-paragraph (*e*) of this paragraph," ; and

(*d*) in paragraph (4), sub-paragraph (*b*) thereof shall cease to have effect as from the first day of April, 1950 ;

(*e*) for paragraph (5) there shall be substituted the following paragraph —

" (5) These regulations, in their application to a person who is a practitioner by virtue of being a person rendering specialist services pursuant to section 21 of the Act, shall have effect subject to the modifications contained in paragraph (3) of this regulation, other than the modifications contained in sub-paragraphs (*g*), (*i*) and (*k*) thereof." ; and

(*f*) the following new paragraph shall be added —

" (6) Where a person rendering specialist services pursuant to section 21 of the Act would but for the provisions of the last preceding paragraph have been entitled to make such a request as is mentioned in sub-paragraph (*k*) of paragraph (3) of this regulation, he shall be entitled to make such request to the Ministry within three months after the first day of August, 1950, and if he makes such request and the Ministry takes action accordingly under the said sub-paragraph, there shall be returned to him any contributions which he has made under these regulations as if he had ceased to be a practitioner at the date on which he makes such request."

25.—(1) In the cross heading to Regulation 38 the word " other " shall be substituted for the word " non-statutory ".

(2) In Regulation 38 —

(*a*) in paragraph (1) thereof, there shall be substituted for the words " and to comply with " the words " unless the Ministry dispenses with this requirement to comply with ", there shall be inserted after the words " not exceeding " the words " at his discretion either " ;

(*b*) in paragraph (2) thereof, there shall be inserted after the words " under these regulations ", where they last occur, the words " and a sum equal to any income tax or equivalent sum which was deducted in respect of such payment " ;

(*c*) in paragraph (3) thereof, there shall be substituted for the words " contributions under these regulations " the word " sum ", there shall be inserted after the words " administering the scheme " the words " under the last preceding paragraph in respect of his contributions under these regulations, together with an amount equal to any income tax or equivalent sum which was deducted in respect of such return," and there shall be inserted after the words " contributing service " the words " and non-contributing service " ;

(*d*) the following new paragraph shall be inserted —

" (3A) The provisions of the last preceding paragraph shall not apply if the scheme in the benefits of which a person to whom paragraph (1) of this regulation has been applied has ceased to participate is a scheme which has been approved by the Ministry under Regulation 13 (3) (*b*) (iv) ".

(*e*) in paragraph (4) thereof —

(i) the following new sub-paragraph shall be inserted —

" (*aa*) if he ceases to hold that employment or any other employment approved by the Ministry for the purposes of this paragraph and by reason of his age he does not qualify for a benefit under the provisions of the preceeding sub-paragraph but he

becomes entitled to a pension under any pension scheme applicable to him in that employment, the Ministry may grant to him, as from the date on which he ceased to hold that employment, a benefit equal to the benefit to which he would have become entitled on ceasing to hold his former employment, if at the date on which he so ceased he had attained the age of sixty years and had been entitled for the purpose of determining whether he was qualified to receive any benefit under these regulations to aggregate with his service for the purposes thereof a period of service equal in length to the period of his approved employment " ;

(ii) in sub-paragraph (*c*) thereof, there shall be inserted after the words " contributing service " the words " non-contributing service " and at the end of the sub-paragraph there shall be added the words " and he shall be entitled to reckon the period of his approved employment for the purpose of determining whether he is qualified to receive any benefit under these regulations, but not for any other purpose " ; and

(iii) for the proviso thereto, the following provisos shall be substituted —

" Provided that —

(i) where a person has qualified for a benefit by virtue of sub-paragraph (*aa*) of this paragraph, that benefit, if the Ministry grants the same, shall either be reduced, according to his age, by the percentage shown in the appropriate column of the Table set out in the Eighth Schedule to these regulations or not become payable until he attains such an age as would have entitled him to a similar benefit under sub-paragraph (*a*) of this paragraph, so however that any such reduction shall be disregarded in the calculation of any widow's pension which may become payable in respect of the person ;

(ii) in the calculation of any benefit granted by the Ministry to or in respect of any person by virtue of sub-paragraph (*a*) or (*b*) of this paragraph, any provision of these regulations prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him shall be disregarded ; and

(iii) where a benefit becomes payable to or in respect of a person to whom sub-paragraph (*c*) of this paragraph has become applicable, and the amount of that benefit falls to be calculated by reference to any provision of these regulations prescribing a minimum benefit or a method of calculating the benefit otherwise than by reference to the amount of the

person's contributions or the service reckonable by him or the amount of the pension which was or would in certain circumstances have become payable to him, then, if the number of years of service reckonable by the person is less than any minimum number of years of qualifying service prescribed for the receipt of the said benefit, the amount of the said benefit, in so far as it is obtained by reference to the said provision, shall be reduced in the same proportion as the difference between the number of years of service so reckonable as aforesaid and the minimum number of years of qualifying service bears to the minimum number of years of qualifying service " ;

(*f*) the following new paragraph shall be added —

" (5) No payment shall be made by way of a return of contributions to any person who enters employment in which the last preceding paragraph has become applicable to him unless and until he ceases to hold that employment in circumstances in which he does not become entitled to any benefit under these regulations."

26. In Regulation 39 —

(*a*) the following new paragraph shall be inserted —

" (1B) Where a person becomes subject to these regulations within twelve months after ceasing employment under the Belfast County Borough Council in which he was subject to the Act of 1943, and without having received or become entitled to receive any benefit under the said Act, a transfer value, of such amount as the Government Actuary shall indicate as being actuarially equivalent to the liability of which the Belfast County Borough Council is relieved as a result of the transfer, shall be payable to the Ministry by the Belfast County Borough Council." ;

(*b*) in paragraph (1A) thereof, there shall be substituted for the words " the preceding paragraph " the words " paragraphs (1) and (1B) " ; and

(*c*) in paragraphs (2) and (4) thereof, there shall be inserted after the words " paragraph (1) " the words " or paragraph (1B) ".

27. In Regulation 42, in paragraph (3) thereof, there shall be inserted after the word " hospital " the words " or premises ", and there shall be substituted for the words " of which " the words " of administering the services provided at which ".

28. In Regulations 6, 10, 11, 30 (4), 36 (3) and 37 there shall be substituted for the word " forty ", wherever it occurs, the word " forty-five ".

29. In these regulations the references to the Act of 1943 shall be deemed as having effect from the twenty-fourth day of June, 1948.

30. The Second Schedule to the principal regulations shall be omitted.

31. In the Third Schedule to the principal regulations, in paragraph 3 (*a*) thereof, the word " half- " shall be omitted.

32. In the Fourth Schedule to the principal regulations, in paragraph 1 thereof, in the definition of " service ", the words " but where such service was part-time means whole-time service for a proportionately reduced period " shall be omitted.

33. In the Sixth Schedule to the principal regulations, in paragraph 1 thereof, in proviso (*c*) to the definition of remuneration, there shall be substituted for the words " a single " the word " any ".

34. After the Seventh Schedule to the principal regulations, there shall be inserted the following new Schedule —

EIGHTH SCHEDULE

Reduction of Pension and Retiring Allowance under Regulation 38 (4)

Part I — Pension

Age of person at date on which benefit under regulation 38 (4) (*aa*) accrues :—	Percentage reduction to be made under proviso (i) to regulation 38 (4) by reference to the undermentioned minimum age at which the person would have been entitled to a pension under these regulations in the circumstances therein mentioned :—										
	55	56	57	58	59	60	61	62	63	64	65
45	46	50	53	56	59	62	65	67	69	71	73
46	43	47	51	54	57	60	63	65	67	70	72
47	40	44	48	51	55	58	61	63	65	68	71
48	36	41	45	48	52	56	59	61	63	66	69
49	32	37	42	45	49	53	56	59	61	64	67
50	28	33	38	42	46	50	53	56	59	62	65
51	23	29	34	38	43	47	50	53	57	60	63
52	18	24	30	34	39	43	47	50	54	58	61
53	13	19	25	30	35	39	44	47	51	55	58
54	7	13	20	25	31	35	40	44	48	52	55
55	—	7	14	20	26	31	36	41	45	49	52
56	—	—	7	14	20	26	31	37	41	46	49
57	—	—	—	7	14	20	26	32	37	42	46
58	—	—	—	—	7	14	20	27	32	38	42
59	—	—	—	—	—	7	14	21	27	33	38
60	—	—	—	—	—	—	7	15	21	28	33
61	—	—	—	—	—	—	—	8	15	22	28
62	—	—	—	—	—	—	—	—	8	16	23
63	—	—	—	—	—	—	—	—	—	9	17
64	—	—	—	—	—	—	—	—	—	—	9

PART II — Retiring Allowance

Age of person at date on which benefit under regulation 38 (4) (*aa*) accrues :—	Percentage reduction to be made under proviso (i) to regulation 38 (4) by reference to the under-mentioned minimum age at which the person would have been entitled to a retiring allowance under these regulations in the circumstances therein mentioned :—										
	55	56	57	58	59	60	61	62	63	64	65
45	31	33	36	38	41	43	45	47	50	52	54
46	28	31	34	36	39	41	43	45	48	50	52
47	25	28	31	34	37	39	41	44	46	48	50
48	23	26	29	32	35	37	39	42	44	46	49
49	20	23	26	29	32	35	37	40	42	45	47
50	17	20	23	26	29	32	35	38	40	43	45
51	14	18	21	24	27	30	33	35	38	41	43
52	11	14	18	21	24	27	30	33	36	39	41
53	8	11	15	18	22	25	28	31	34	36	39
54	4	8	11	15	19	22	25	28	31	34	37
55	—	4	8	12	15	19	22	26	29	32	35
56	—	—	4	8	12	15	19	23	26	29	32
57	—	—	—	4	8	12	16	20	23	26	29
58	—	—	—	—	4	8	12	16	20	23	26
59	—	—	—	—	—	4	8	12	16	20	23
60	—	—	—	—	—	—	4	9	13	16	20
61	—	—	—	—	—	—	—	5	9	13	17
62	—	—	—	—	—	—	—	—	5	9	14
63	—	—	—	—	—	—	—	—	—	5	10
64	—	—	—	—	—	—	—	—	—	—	5

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 28th day of June, 1950, in the presence of

(L.S.) *L. G. P. Freer,*
Secretary.

The Ministry of Finance for Northern Ireland approves the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of June, 1950, in the presence of

(L.S.) *John I. Cook,*
Second Secretary.