STATUTORY INSTRUMENTS

1985 No. 1659

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

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

Made - - - -	*28th October* 1985
Laid before Parliament	*8th November* 1985
Coming into Operation	*29th November* 1985

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 24(1), (3) and (4) of, and paragraphs 8, 9 and 13 of Schedule 3 to the Superannuation Act 1972(**a**) and of all other powers enabling him in that behalf, with the consent of the Treasury(**b**), hereby makes the following regulations:—

Title and commencement

1. These regulations may be cited as the National Health Service (Compensation for Premature Retirement) Amendment Regulations 1985 and shall come into operation on 29th November 1985.

Interpretation

2. In these regulations "the principal regulations" means the National Health Service (Compensation for Premature Retirement) Regulations 1981(**c**) and expressions used in these regulations shall have the same meaning as they have in the principal regulations.

Amendment to the definition of "employing authority"

3. In the definition of "employing authority" in regulation 2(1) of the principal regulations (interpretation)—

(a) in sub-paragraph (*d*) for the words from "constituted under" to "relating to" there shall be substituted the words "concerned with";

(b) there shall be inserted after sub-paragraph (*d*) the following sub-paragraph—

"(*e*) the Secretary of State, in relation to a person (not being a

(**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. 1981/1263.

person to whom section 1 of the Principal Civil Service Pension Scheme (a scheme set up under section 1 of the Superannuation Act 1972) applies) employed on the staff of a special hospital provided or deemed to be provided under section 4 of the National Health Service Act 1977(**a**);".

Amendments relating to crediting of additional period of service

4. In regulation 5 of the principal regulations (crediting of additional period of service)—

(a) in paragraph (2) in sub-paragraph (*a*) the words "not less than 5 years and" shall be deleted;

(b) in paragraph (10) in sub-paragraph (*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**)".

Amendments to provisions for payments after the death of a person entitled

5. In regulation 11(2) of the principal regulations (miscellaneous provisions relating to payment of compensation)—

(a) for "£1,500" there shall be substituted "£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) for "personal representative" there shall be substituted "personal representatives";

(c) after the words "pay that sum" there shall be inserted the words "to the personal representatives or";

(d) the words from ", or, in the case of" to "may think fit", shall be deleted.

Retrospective effect of these regulations

6. Regulation 3 of these regulations shall have effect from 29th October 1976, regulation 4(*a*) shall have effect from 4th November 1980 and regulation 5(*a*) shall have effect from 11th May 1984.

Signed by authority of the Secretary of State for Social Services.

Barney Hayhoe,
Minister of State,
Department of Health and Social Security.

9th October 1985.

(**a**) 1977 c. 49.
(**b**) S.I. 1973/962 (N.I. 13).
(**c**) 1965 c. 32.

We consent to the making of these regulations.

A. G. Hamilton,
Ian B. Lang,
Lords Commissioners of Her Majesty's Treasury.

28th October 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The regulations amend the National Health Service (Compensation for Premature Retirement) Regulations 1981 ("the 1981 Regulations") which provide for the payment of compensation to or in respect of a person who was employed in the National Health Service of England and Wales and has prematurely retired from that employment.

By regulation 3, the definition of "employing authority" in regulation 2(1) of the 1981 Regulations is expanded to include such bodies as the Secretary of State may approve which are concerned with the provision of health services, even though not constituted under a statute, and to include the Secretary of State in relation to staff in special hospitals who are not subject to the Principal Civil Service Pension Scheme.

Regulation 4 makes minor amendments to paragraphs (2) and (10) of regulation 5 of the 1981 Regulations which provides for an additional period of service to be credited in certain circumstances when calculating the amount of compensation payable.

Regulation 5 amends regulation 11 of the 1981 Regulations which relates to personal representatives and in particular increases the maximum sum payable without proof of title from £1,500 to £5,000 or such higher amount as would for the time being be applicable if these regulations were an enactment to which section 1 of the Administration of Estates (Small Payments) Act 1965 applied.

Regulation 6 provides for regulations 3 and 4 (*a*) to have effect from 29th October 1976 and 4th November 1980 respectively (the same dates as those from which the regulations which they amend have effect) and for regulation 5 (*a*) to have effect from 11th May 1984 (the same date as that from which the Administration of Estates (Small Payments) (Increase of Limit) Order 1984 (S.I. 1984/539) has effect).

SI 1985/1659
ISBN 0-11-057659-4

