STATUTORY INSTRUMENTS

# 1975 No. 1292

# NATIONAL HEALTH SERVICE, ENGLAND AND WALES

## The National Health Service (Superannuation) (Amendment) Regulations 1975

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| *Made* - - - - | *4th August* 1975 |
| *Laid before Parliament* | *6th August* 1975 |
| *Coming into Operation* | *27th August* 1975 |

The Secretary of State for Social Services, in exercise of powers conferred by section 110 of the National Insurance Act 1965(a) (in accordance with which section the Treasury had determined the Minister of Health was the appropriate Minister for the purposes of that section to make regulations modifying the scheme for the provision of pensions and other benefits established by regulations made under section 67 of the National Health Service Act 1946(b)) and now vested in her (c), and in exercise of powers conferred by sections 10 and 12 of the Superannuation Act 1972(d) and of all other powers enabling her in that behalf, after consulting such representatives of persons likely to be affected by these regulations as appear to her to be appropriate, and with the consent of the Minister for the Civil Service, hereby makes the following regulations:—

*Citation and commencement*

**1.**—(1) These regulations may be cited as the National Health Service (Superannuation) (Amendment) Regulations 1975 and shall come into operation on 27th August 1975.

(2) The National Health Service (Superannuation) Regulations 1961 to 1974(e) and these regulations may be cited together as the National Health Service (Superannuation) Regulations 1961 to 1975.

*Interpretation*

**2.**—(1) In these regulations "the principal regulations" means the National Health Service (Superannuation) Regulations 1961(f), as amended (e), and other words and expressions used have the same meaning as in the principal regulations.

(2) The Interpretation Act 1889(g) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 1965 c. 51.
(b) 1946 c. 81.
(c) Secretary of State for Social Services Order 1968, Article 2, S.I. 1968/1699 (1968 III, p. 4585) (which transferred all functions of the Minister of Health to the Secretary of State).
(d) 1972 c. 11.
(e) S.I. 1974/1047 (1974 II, p. 3901).
(f) S.I. 1961/1441 (1961 II, p. 2824).
(g) 1889 c. 63.

*Amendments relating to the purchase of an unreduced retiring allowance*

**3.**—(1) After regulation 23B of the principal regulations there shall be added the following regulation—

"*Purchase of unreduced retiring allowance*

**23C.**—(1) Where either proviso (*a*) or (*b*) to regulation 9(3) applies to the calculation of an officer's retiring allowance, he may elect within 12 months of—

(*a*) the date of coming into operation of the National Health Service (Superannuation) (Amendment) Regulations 1975 if he is then an officer, or

(*b*) the date on first becoming an officer thereafter if he is not then an officer, or

(*c*) making a nomination under regulation 14D,

to make payment in accordance with the provisions of schedule 9 in respect of either the whole or any part of his contributing service before 25th March 1972, or in the case of a male officer such earlier date when he became a widower or was divorced or judicially separated from his wife, so that the retiring allowance to which he may become entitled in respect of such contributing service shall, on completion of such payment, be a sum equal to three times the annual amount of his pension (as calculated under regulations 9 and 66) in respect of that service and for the purpose of calculating the payment required under this regulation any period of service which reckons at greater than its actual length by virtue of regulation 51 shall reckon at that greater length:

Provided that—

(i) a male officer who marries after the date of coming into operation of the National Health Service (Superannuation) (Amendment) Regulations 1975 and whose retiring allowance thereby falls to be calculated in accordance with proviso (*a*) to regulation 9(3) may elect under this paragraph within 12 months of the first date on which he is an officer after so marrying;

(ii) the time limit of 12 months may be extended to such longer period as the Secretary of State may in any particular case allow, in which event the Secretary of State may vary the provisions of schedule 9 in such manner as he considers to be appropriate;

(iii) an officer shall not be permitted to elect under this regulation during a period when he is on leave of absence from duty on account of sickness or without pay or on reduced pay;

(iv) an officer shall not be permitted to elect under this regulation in respect of any service before 25th March 1972 for which he became entitled to receive a retiring allowance before 4th July 1974; and

(v) if an officer whose remuneration is calculated under paragraph 5(3)(*a*) or 5(4)(*a*) of schedule 9 ceases to be an officer in the period therein mentioned (otherwise than by virtue of regulation 18(1)) his election under this regulation shall be cancelled.

(2) Where any payments in accordance with paragraph (1) of this regulation remain to be made by an officer and at least one payment has been made by him—

(*a*) in the event of his becoming entitled to a pension under regulation 8(1)(*a*)(i) or dying whilst an officer, he shall, for the purposes of the said paragraph (1), be deemed to have completed the remaining payments;

(*b*) in the event of his ceasing to be an officer in circumstances other than those mentioned in sub-paragraph (*a*) of this paragraph, the provisions of the said paragraph (1) shall apply only to that proportion of the contributing service in respect of which he was making the said payments as the amount paid bears to the total amount due to be paid, except that if within 3 months of so ceasing to be an officer he pays the balance of the total amount due to be paid, the provisions of the said paragraph (1) shall apply to the contributing service in respect of which he elected to make the said payments, so, however, that the balance of the total amount due to be paid shall be reduced by the amount added under paragraph 4 of schedule 9 in respect of the period between the date on which he so ceased to be an officer and the date on which the final payment was due; or

(*c*) if sub-paragraph (*b*) of this paragraph has applied to him and he again becomes an officer within 3 months (any period during which regulation 18 applied to him being disregarded) in circumstances in which his previous service is reckonable, he may within 3 months of so becoming an officer or within such longer period as the Secretary of State may in any particular case allow, make those payments that he would have made had he not ceased to be an officer and on making such payments his election under this regulation shall continue to have effect.

(3) In calculating the amount by which a death gratuity shall be reduced under the provisions of regulation 13(3)(*a*) or (*b*) or regulation 13(4), as the case may be, no account shall be taken of that part of the officer's contributing service before 25th March 1972 in respect of which payment under paragraph (1) of this regulation has been completed or deemed to have been completed.".

(2) In the principal regulations—

(*a*) in regulation 2(8)(*c*) (interpretation) after the figure "23B" there shall be inserted the figure ", 23C";

(*b*) in regulation 9(3) (scales of pension and retiring allowance)—

(i) in proviso (*a*) after the words "25th March 1972" where they occur in the second place there shall be inserted the words "(other than service in respect of which payment under regulation 23C(1) has been completed or deemed to have been completed)";

(ii) in proviso (*b*) after the words "judicial separation" there shall be inserted the words "(other than service in respect of which payment under regulation 23C(1) has been completed or deemed to have been completed)";

(*c*) in regulation 13(3) (death gratuity) after the words "payable under these regulations" there shall be inserted the words "and subject to the provisions of regulation 23C(3)";

(*d*) schedule 1 to these regulations shall be included as schedule 9 to the principal regulations.

(3) In regulation 20 of the National Health Service (Superannuation) (Amendment) (No. 2) Regulations 1974(a)—

(*a*) in paragraph (1) after the words "of these regulations," where they occur in the second place there shall be inserted the words "or within such longer period as the Secretary of State may in any particular case allow,";

(*b*) in paragraph (2) after the words "of these regulations" there shall be inserted the words ", or within such longer period as the Secretary of State may in any particular case allow,".

*Amendments relating to widower's pension*

**4.**—(1) After regulation 14C of the principal regulations there shall be added the following regulation—

"*Widower's pension*

**14D.** A female officer whose husband is permanently incapable by reason of physical or mental infirmity of earning his own living may, by a notice in writing submitted to the Secretary of State after the date of coming into operation of the National Health Service (Superannuation) (Amendment) Regulations 1975, nominate her husband to receive benefits under this regulation on the grounds that he is wholly or mainly dependent on her and if the Secretary of State is satisfied that the officer's husband is so dependent on her he shall accept the nomination so that on the death of the officer the nominee shall be entitled to receive from the Secretary of State an annual widower's pension in accordance with the provisions of regulation 14 or a limited pension in accordance with the provisions of regulation 14B, as the case may be, as if references in those regulations to a widow, her husband or a widow's pension included references to a widower, his wife or a widower's pension, and as if the references in regulation 14(4)(*b*) to she and to a man as his wife included references to he and a woman as her husband.".

(2) In the principal regulations—

(*a*) in regulation 2(1) (definitions) after the definition of "widow's pension" there shall be added the following definition—

" "widower's pension" means a widower's pension payable under regulation 14D.";

(*b*) in proviso (*a*) to regulation 9(3) (scales of pension and retiring allowance) in sub-paragraph (ii) for the word "regulation," there shall be substituted the words "regulation, or", and after sub-paragraph (ii) there shall be inserted the following sub-paragraph—

"(iii) an officer who has made a nomination under regulation 14D,";

(*c*) in regulation 13 (death gratuity) the existing paragraph (4) shall be renumbered (5) and after paragraph (3) there shall be inserted the following paragraph—

"(4) Where a widower's pension is payable under these regulations, the amount of the death gratuity payable under this regulation shall be calculated as if any reference in this regulation to a widow or a widow's pension included a reference to a widower or a widower's pension.";

(a) S.I. 1974/1047 (1974 II, p. 3901).

(*d*) in regulation 14B(2) (pensions of limited duration) for the words "regulation 14C" there shall be substituted the words "regulations 14C and 14D";

(*e*) in regulation 14C(1) (pensions of limited duration) for the words "regulation 14B" there shall be substituted the words "regulations 14B or 14D";

(*f*) in regulation 18(1) (intervals in service due to illness or injury) after the words "regulations 14A, 14B, 14C," there shall be inserted the word "14D,";

(*g*) in regulation 79(2)(*c*) (approved employment)—

(i) after the word "widow's" there shall be inserted the words "or widower's"; and

(ii) for the words "and 14C" there shall be substituted the words ", 14C and 14D";

(*h*) in the proviso to paragraph 1 of schedule 6 (child's allowance) after the word "widow's" there shall be inserted the words "or widower's".

*Amendments relating to deferred benefits*

**5.**—(1) For regulation 8 of the principal regulations (officer's pension and retiring allowance) there shall be substituted the following regulation—

"**8.**—(1) On ceasing to be an officer, a person shall be entitled to receive from the Secretary of State—

(*a*) an annual pension if—

(i) he has completed 5 years' service and is permanently incapable of discharging efficiently the duties of his employment by reason of physical or mental infirmity; or

(ii) he has attained the age of 60 years and completed 5 years' service; or

(iii) he has attained the age of 55 years and completed 5 years' service and the conditions prescribed in paragraph (4) of this regulation are applicable in his case; or

(iv) he has completed 5 years' service or he is a person to whom regulation 35(4) applies, and in either case he has not, within 12 months and without first having become entitled to receive payment of such annual pension, again become an officer; or

(v) he has attained the age of 50 years and has completed 5 years' service and has become entitled to benefits under regulations made under section 44 of the Act of 1973; or

(vi) he has completed 5 years' service and the conditions prescribed in paragraph (5) of this regulation are applicable in his case; and

(*b*) a lump sum retiring allowance if he satisfies the requirements of sub-paragraph (*a*) of this paragraph:

Provided that—

(i) a person who satisfied the requirements of sub-paragraphs (*a*)(iv) or (vi) of this paragraph shall not on that account become entitled to receive payment of such benefit until he also satisfies the requirements of paragraph (2) of this regulation; and

(ii) for the purposes of this regulation, an officer who satisfied the requirements of sub-paragraph (*a*)(vi) of this paragraph shall be deemed to have ceased to be an officer on the date he suffered a reduction in remuneration in the circumstances mentioned in paragraph (5) of this regulation.

(2) A person who satisfied the requirements of sub-paragraphs (*a*)(iv) or (vi) of paragraph (1) of this regulation shall satisfy the requirements of this paragraph—

(*a*) when, not then being an officer, he attains the age of 60 years or, in the case of a person to whom the conditions of paragraph (4)(*a*) of this regulation are applicable, the earliest age at which he would have been entitled to receive a pension under paragraph (1)(*a*)(ii) of this regulation; or

(*b*) if he is an officer when he attains the age specified in sub-paragraph (*a*) of this paragraph, on ceasing thereafter to be an officer; or

(*c*) if he satisfies the Secretary of State that he is permanently incapable by reason of physical or mental infirmity of engaging in regular employment; or

(*d*) on subsequently becoming entitled to receive some other benefit under paragraph (1) of this regulation:

Provided that—

(i) subject to proviso (iii), a person shall not be able to satisfy the requirements of this paragraph if there have been returned to him his contributions for any service to which the benefit in question related or any concurrent or subsequent service;

(ii) in the case of a person to whom regulation 43 applies, for the reference in sub-paragraph (*a*) of this paragraph to the age of 60 years there shall be substituted a reference to age 60 or such later age at which he would have become entitled to receive a pension under these regulations on ceasing to be such an officer; and

(iii) where a person has become entitled to benefits under paragraph (1)(*a*)(iv) of this regulation in respect of service which includes a period of contributing service to which regulation 33(1)(*a*) applied, then on becoming entitled to receive payment of any part of those benefits he shall also become entitled to receive payment of the benefits in respect of such period of contributing service.

(3) In regulation 9 (except in paragraph (7)(*a*)) and, so far as may be necessary for the purpose of calculating a benefit payable under these regulations to or in respect of a person to whom the last preceding paragraph applies, elsewhere in these regulations, the expression "officer" shall include a person to whom the last preceding paragraph applies.

(4) For the purposes of paragraph (1)(*a*)(iii) of this regulation the prescribed conditions shall be that the Secretary of State has certified either—

(*a*) that the officer's retirement is by reason of redundancy; or

(*b*) that the officer's retirement is in the interests of the efficiency of the service.

(5) For the purposes of paragraph (1)(*a*)(vi) of this regulation the prescribed conditions shall be—

(*a*) that the officer suffers a reduction in remuneration either on being transferred to other employment under any employing authority, or on taking up such other employment in circumstances that the Secretary of State has approved, or may approve, for the purposes of this paragraph; or

(*b*) that following a change in the nature of the duties performed the officer suffers a reduction in remuneration which is not attributable to his own act while continuing in the same employment,

and he gives notice in writing to the employing authority within one month of the reduction, or such longer period as the Secretary of State may in any particular case allow, that he wishes to be entitled to benefits under paragraph (1)(*a*)(vi) of this regulation.

(6) Notwithstanding anything contained in regulation 43 an officer to whom that regulation applies or a mental health officer—

(*a*) on ceasing to be an officer in the circumstances mentioned in paragraph (1)(*a*)(iii) or (1)(*a*)(v) of this regulation shall be entitled to receive the benefits to which he would have been entitled on reaching the age and completing the service prescribed by the relevant provisions, in respect of the service reckonable by him immediately before he so ceased to be such an officer; or

(*b*) on ceasing to be such an officer having completed 5 years' service or being a person to whom regulation 35(4) applies and not having, within 12 months and without having become entitled to receive such benefits, again become such an officer, shall be entitled to receive either—

(i) on satisfying the requirements of paragraph (2) of this regulation, the benefits to which he is entitled in respect of the service reckonable by him immediately before he so ceased to be such an officer, or

(ii) on attaining the age of 65 years in the case of a man or 60 years in the case of a woman or, in either case, if an officer on attaining that age, on ceasing thereafter to be an officer, the benefits mentioned in regulation 29(2) of the National Insurance (National Health Service Superannuation Scheme—Modification and Non-participation) Regulations 1965(**a**), as amended (**b**), (except the proviso thereto) calculated as if the employment had ceased on attaining that age:

Provided that in the case of an officer subject to superannuation provisions corresponding with those of a mental health officer, the provisions of regulation 9(4) shall apply to the calculation of a benefit under this sub-paragraph as though his employment were employment as a mental health officer.".

(2) In the principal regulations—

(*a*) in regulation 9 (scales of pension and retiring allowance) after paragraph (3) there shall be inserted the following paragraph—

(**a**) S.I. 1965/2179 (1965 III, p. 6382). (**b**) S.I. 1969/1472 (1969 III, p. 4725).

"(4) Notwithstanding the foregoing provisions of this regulation, the pension and retiring allowance of a mental health officer who became entitled to benefits under regulation 8(1)(*a*)(iv) shall not be less than the pension and retiring allowance calculated according to the formula $\frac{A}{B} \times C$ where—

"A" is the period of employment reckonable by him as contributing service at the date of his ceasing to be an officer;

"B" is the period of employment that would have been reckonable by him as service had he continued in his employment as a mental health officer until the age of 55 years, together with any period in respect of which he receives a return of contributions; and

"C" is the pension or retiring allowance to which he would be entitled, apart from this paragraph, had his contributing service been that which would have been reckonable had he continued in his employment as a mental health officer until the age of 55 years, together with any contributing service in respect of which he receives a return of contributions and including any service which he is able to reckon by virtue of regulation 22(7) as though that service were contributing service.";

(*b*) in regulation 13(2)(*b*) (death gratuity) after the words "proviso (*a*) to regulation 9(3)" there shall be inserted the words "and regulation 9(4)";

(*c*) in regulation 35(1) (return of contributions) after the words "become entitled to" there shall be inserted the words "receive payment of" and for proviso (*b*) there shall be substituted the following proviso—

"(*b*) a person who on ceasing to be an officer has attained the age of 26 years and has completed 5 years' service after 5th April 1975 (excluding any added years) shall not be entitled to a return of his contributions in respect of service after that date.";

(*d*) in the proviso to regulation 40(1) (combined benefits) for the words "regulation 8(5)" there shall be substituted the words "regulation 8(6)";

(*e*) in regulation 43(8) (benefits of officers who have exercised certain options)—

(i) at the beginning of sub-paragraph (*a*) there shall be inserted the words "regulation 22(7), proviso (*b*) to regulation 35(1) and";

(ii) after sub-paragraph (*g*) there shall be added the following sub-paragraph—

"(*h*) where on or after the date of coming into operation of the National Health Service (Superannuation) (Amendment) Regulations 1975 an officer to whom this regulation applies suffers a reduction in remuneration and would be entitled under the relevant enactment or scheme to continue making contributions as if his remuneration had not been reduced he shall instead be entitled to benefits under regulation 8(1)(*a*)(vi) in respect of the service reckonable by him immediately before such reduction;";

(*f*) in regulation 45(9)(*b*) (persons subject to non-statutory superannuation schemes and arrangements) for the words "regulation 8(5)" there shall be substituted the words "regulation 8(6)".

*Amendments relating to qualifying service*

**6.** In regulation 22 of the principal regulations (reckoning of qualifying service)—

(*a*) at the beginning of paragraph (5)(ii) there shall be inserted the words "before 6th April 1975";

(*b*) after paragraph (6) there shall be added the following paragraph—

"(7) Where a person again becomes an officer not more than one month after having ceased to be an officer any period of employment which is reckonable as service on his so ceasing and which does not reckon as contributing service in relation to the employment in which he is an officer shall be reckonable for the purpose of determining whether any benefit is payable to or in respect of him but not for the purpose of calculating any such benefit.".

*Amendments relating to the forfeiture of rights*

**7.** In the principal regulations—

(*a*) for regulation 55 (forfeiture of rights) there shall be substituted the following regulation—

"**55.** The Secretary of State may direct that a person who is or has been an officer shall forfeit the whole or any part of any benefit which would apart from this regulation be payable to or in respect of that person under these regulations where that person has been convicted of an offence committed by him before such benefit becomes payable, being—

(*a*) an offence in connection with his employment as an officer which is certified by the Secretary of State either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service, or

(*b*) an offence of treason, or

(*c*) one or more offences under the Official Secrets Acts 1911 to 1939**(a)** for which he has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.";

(*b*) in regulation 43(8) (benefits of officers who have exercised certain options) for sub-paragraph (*c*) there shall be substituted the following sub-paragraph—

"(*c*) the provisions of regulations 54 and 55 shall apply to an officer to whom this regulation applies in lieu of any corresponding provisions in the relevant enactment or scheme;";

(*c*) in regulation 45(9) (persons subject to non-statutory superannuation schemes and arrangements) for sub-paragraph (*c*)(iii) there shall be substituted the following sub-paragraph—

"(iii) the remaining provisions of regulation 43(8).".

*Amendments relating to transfers of service*

**8.** For regulation 17 of the principal regulations (reckoning as service of previous periods of employment) there shall be substituted the following regulation—

**(a)** 1911 c. 28; 1920 c. 75; 1939 c. 121.

"*Reckoning as service of previous periods of employment*

**17.**—(1) Subject to paragraph (5) of this regulation, where a person enters employment as an officer, after leaving a previous employment in which he was an officer or in which he was subject to a health service scheme, the service which was reckonable when he ceased to be employed in that previous employment shall be reckonable in relation to the employment in which he is an officer, if—

(*a*) he became an officer within 12 months after leaving that previous employment,

(*b*) within 6 months after entering their employment he repays to his employing authority an amount equal to any sum paid to him by way of return of contributions on or after his ceasing to hold his previous employment as an officer, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment (not being a deduction under regulation 35(3)), and

(*c*) in his previous employment he was subject to a health service scheme—

(i) within 6 months after entering employment as an officer he gives written notice to the Secretary of State that he wishes the service which was reckonable on termination of his previous employment to be reckonable as service in relation to his employment as an officer, and

(ii) the Secretary of State has received a transfer payment in respect of that previous service.

(2) Subject to the provisions of this regulation, and notwithstanding any other provisions of these regulations, these regulations shall apply to a person who has become an employee of an employing authority after leaving employment in which he was or might have become subject to a health service scheme, as though that employment were employment under an employing authority.

(3) Subject to paragraphs (4) and (5) of this regulation, where a person enters employment as an officer after leaving employment in which he was not an officer and in which he was subject to a superannuation scheme, other than a health service scheme, any service which was reckonable in that superannuation scheme for the purpose of determining whether that person was entitled to receive a superannuation benefit shall be reckonable at its full length for the purpose of determining whether any benefit is payable to or in respect of him under these regulations, if—

(*a*) within 6 months after entering employment as an officer he gives written notice to the Secretary of State that he wishes the Secretary of State to request a transfer payment in respect of him from the body administering such superannuation scheme, and

(*b*) that body makes such a transfer payment to the Secretary of State.

(4) The service mentioned in paragraph (3) shall be reckonable for all purposes of these regulations other than for the purpose mentioned in that paragraph as a period of contributing service calculated in accordance with Part II of schedule 3 but for the purpose of making any calculation under these regulations such period of contributing service shall not be regarded as service before 25th March 1972.

(5) The Secretary of State may—

(*a*) waive payment of any transfer payment payable under paragraph (1) or (3) and if he does so such payment shall be deemed to have been made for the purposes of this regulation, regulation 61 and schedule 3;

(*b*) in any particular case extend any time limit mentioned in this regulation.".

**9.** For regulation 78 of the principal regulations (rights on transfer to other employment) there shall be substituted the following regulation—

"**78.**—(1) Subject to paragraph (2) of this regulation, where a person has left employment in which he was an officer (hereinafter referred to as his "old employment") and has taken up employment in which he participates in a superannuation scheme (hereinafter referred to as his "new employment") which has been approved for the purpose of this paragraph by the Board of Inland Revenue, then if—

(*a*) he is a person to whom the provisions of regulation 8(1)(*a*)(iv) apply, or he has taken up his new employment within 12 months or within such longer period as the Secretary of State may in any particular case allow after leaving his old employment;

(*b*) he has within 6 months after taking up his new employment given written notice to the body administering that scheme that he wishes that body to apply to the Secretary of State for a transfer payment;

(*c*) no benefit under these regulations has been paid to him in respect of his old employment (except for a return of contributions in a case to which sub-paragraph (*d*) applies); and

(*d*) in a case where—

(i) he is subject to a health service scheme in his new employment, or

(ii) he took up his new employment and gave the notice mentioned in sub-paragraph (*b*) before 1st April 1975,

and he has within 6 months of entering the new employment or within such longer period as the Secretary of State may in any particular case allow, repaid to the Secretary of State an amount equal to any sum paid to him by way of return of contributions together with an amount equal to any income tax which was deducted from his contributions in respect of such payment (not being a deduction under regulation 35(3)),

the Secretary of State shall, if the body administering that scheme so agrees, pay to that body a transfer payment calculated in accordance with Part 1 of schedule 3, or such other amount as may be agreed with the body administering that scheme.

(2) Where a body administering a superannuation scheme waives payment of the transfer payment which would otherwise have been made by the Secretary of State such a payment will be deemed to have been made for the purposes of this regulation, regulation 46(2) and regulation 61.

(3) Notwithstanding any provision of these regulations—

(*a*) no other benefit shall be paid under these regulations in respect of service for which a transfer payment has been made or deemed to have been made under this regulation; and

(*b*) a transfer payment shall not be made by the Secretary of State in respect of service for which a transfer payment has been made under any provision previously in force by virtue of these or the previous regulations or which by virtue of any such provision has become reckonable for the purposes of a scheme established under section 1 of the Superannuation Act 1972.".

*Consequential amendments relating to transfers of service*

**10.** In the principal regulations—

(*a*) in regulation 2 (interpretation)—

(i) in paragraph (1)—

(A) in the definition of "added years" for the words from "a local Act scheme," to "regulation 17" where they first occur and for the words from "a local Act scheme" where they occur in the second place to "regulation 17(3)(*b*) or (*c*)" there shall be substituted in each case the words "any other superannuation scheme";

(B) in the definition of "excepted officer" for the words "mentioned in sub-paragraph (*b*), (*c*) or (*d*) of paragraph (3) of regulation 17 other than employment in the health service of Northern Ireland or the Isle of Man" there shall be substituted the words "which is reckonable service under the provisions of regulation 17(3)";

(C) after the definition of "Family Practitioner Committee" there shall be inserted the following definition—

" "health service scheme" means a superannuation scheme provided in regulations for the time being in force under Article 12 of the Superannuation (Northern Ireland) Order 1972, section 54 of the National Health Service (Isle of Man) Act, 1948 (an Act of Tynwald), or section 10 of the Superannuation Act 1972 in relation to Scotland, or any other superannuation scheme approved for this purpose by the Secretary of State";

(D) After the definition of "specialist" there shall be inserted the following definition—

" "statutory scheme" means a scheme established under section 1 of the Superannuation Act 1972 or other arrangements for superannuation maintained in pursuance of regulations made, or having effect as if made, under sections 7 and 9 of that Act or section 1 of the Police Pensions Act 1948 or a Firemen's Pension Scheme made under section 26 of the Fire Services Act 1947;";

(ii) in paragraph (8)—

(A) for sub-paragraphs (*d*) and (*e*) there shall be substituted the following sub-paragraph—

"(*d*) any sums contributed under any superannuation scheme during employment which is reckonable as service under the provisions of regulation 17;"

and sub-paragraph (*f*) shall be relettered (*e*);

(B) the proviso shall be deleted;

(*b*) in regulation 4(1) (application of the regulations) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) any other whole-time officer whose previous employment is reckonable as service under the provisions of regulation 17;";

(*c*) in regulation 29 (reckoning of contributing service)—

(i) in paragraph (1) for sub-paragraph (*b*) and the provisos thereto there shall be substituted the following sub-paragraph—

"(*b*) any service which has become reckonable as contributing service under the provisions of regulation 17(1) or 17(3);";

(ii) in paragraph (5) for the words ", before entering the employment in which he is an officer" there shall be substituted the words "entered the employment in which he is an officer before 1st January 1974, and before entering that employment";

(iii) in paragraph (9) for the word "applies" there shall be substituted the words "applied before 1st January 1974";

(*d*) in regulation 33(1) (method of calculating service)—

(i) in sub-paragraph (*a*)(iii) for the words "is reckonable" there shall be substituted the words "became reckonable prior to 1st January 1974" and for the words "an employment referred to in paragraph (3) of that regulation" there shall be substituted the words "the superannuation scheme in which he participated";

(ii) in sub-paragraph (*b*) the words "for all purposes other than a calculation under schedule 3" shall be deleted;

(*e*) in regulation 34(1) (meaning of average remuneration) after proviso (*i*) there shall be added the following proviso—

"(*j*) if the employment as an officer was for less than three years and there is a period of previous employment reckonable as contributing service under regulation 17(4) the remuneration in respect of that previous employment shall be deemed to be at the annual rate of pensionable pay by reference to which the contributing service was calculated under schedule 3;";

(*f*) in regulation 43(2)(*d*) (benefits of officers who have exercised certain options) for the words "Minister under sub-paragraph (*d*)(v) of paragraph (3) of regulation 17" there shall be substituted the words "Secretary of State for the purpose of this regulation,";

(*g*) in regulation 46 (supplementary payments) in paragraph (2)(*a*)(iii) for the words from "superannuation scheme in Northern Ireland" to and including the words "health service" there shall be substituted the words "health service scheme in respect of whom the Secretary of State has made a transfer payment, employment in the health service of Scotland,";

(*h*) in regulation 51 (mental health officers)—

(i) in paragraph (1)—

(A) for the word "Minister" where it first occurs there shall be substituted the words "Secretary of State" and for the words "Minister under sub-paragraph (*d*)(v) of paragraph (3) of regulation 17" there shall be substituted the words "Secretary of State for this purpose";

(B) in sub-paragraph (*b*) after the word "aforesaid" there shall be added the words "other than contributing service which has become so reckonable in accordance with paragraph 5 of Part II of schedule 3";

(ii) in paragraph (4), at the end of sub-paragraph (*a*) the expression "; or" and sub-paragraphs (*b*) and (*c*) shall be deleted; and

(iii) paragraph (5) shall be deleted;

(*i*) in regulation 52 (modification of benefits etc.)—

(i) in paragraph (1) for the words from the beginning to the word "regulation" where it occurs in the second place, there shall be substituted the words "Subject to regulations 17(2) and 43 and the following paragraphs of this regulation";

(ii) in paragraph (3)—

(A) in sub-paragraph (*a*) after the word "officer" where it first occurs there shall be inserted the words "before 1st January 1974 and";

(B) in proviso (iv) the words from "by virtue of" to "regulation 79" shall be deleted and after the words "become entitled" there shall be inserted the words "otherwise than as provided in schedule 3";

(iii) at the beginning of paragraph (8)(*a*) there shall be inserted the words "before 1st January 1974 and";

(iv) in paragraph (11)—

(A) for the words from the beginning to the word "employment" where it occurs in the fourth place there shall be substituted the words—

"(11) Where a person between 1st August 1949 and 31st December 1973 (both dates inclusive) became an officer within 12 months after leaving such employment as is mentioned in regulation 17(3)(*d*)(v) (as originally enacted), 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, or after 31st December 1973 became an officer within 12 months after leaving such employment as is mentioned in regulation 17(3) and in either employment";

(B) in sub-paragraph (*b*)(i) after the word "service" where it occurs in the second place there shall be inserted the words "in respect of employment"; and

(C) in the proviso after the expression "regulation 17" there shall be inserted the words "(as originally enacted)";

(*j*) in regulation 69 (employment as an officer and as a practitioner)—

(i) the existing regulation shall be numbered paragraph (1); and

(ii) after paragraph (1) there shall be added the following paragraph—

"(2) Where the service otherwise than as a practitioner mentioned in paragraph (1) is reckonable under regulation 17(3), the remuneration in respect of it shall be deemed to be remuneration at the annual rate of pensionable pay by reference to which the contributing service was calculated under schedule 3.";

(*k*) in regulation 79(1) (approved employment) for the words "entered within the prescribed time limit" there shall be substituted the words "within 12 months, or such longer period as the Secretary of State may in any particular case allow, of leaving such employment, entered";

(*l*) for schedule 3 (calculation of transfer values) there shall be substituted schedule 3 to these regulations.

**11.** In the National Insurance (National Health Service Superannuation Scheme—Modification and Non-participation) Regulations 1965(a), as amended (b)—

(*a*) in regulation 20(1) after the word "Where" there shall be inserted the words "before 1st January 1974";

(*b*) after regulation 20 there shall be added the following regulation—

"**20A.** Where a person who became an officer after 31st December 1973 is entitled, by virtue of regulation 17(3) of the principal regulations, to reckon any previous period of employment as contributing service in relation to his employment as an officer, then if in such previous employment he was subject to—

(*a*) a statutory scheme or to any other scheme which is for the time being treated by the Secretary of State as a statutory scheme for the purposes of this regulation and the transfer payment received by the Secretary of State in respect of him had been reduced by reference to an amount by which his pension under the scheme to which he was previously subject would have been reduced as a consequence of the provisions of section 36 of the National Insurance Act 1965(c), so much of any pension payable to him as is attributable to any such period shall, in lieu of the reduction for which this part of these regulations provides, be reduced by that amount; or

(*b*) any other scheme, so much of any pension payable to him as is attributable to any such period shall not be subject to any reduction for which this part of these regulations provides.".

(a) S.I. 1965/2179 (1965 III, p. 6382). (b) S.I. 1969/1472 (1969 III, p. 4725).
(c) 1965 c. 51.

**12.** For regulation 25(2) of the National Health Service (Superannuation) (Amendment) Regulations 1966(a) (repayment of redundancy payment in certain cases) there shall be substituted the following paragraph—

"(2) Where a person who has ceased to be employed in the circumstances mentioned in regulation 8(4) of the principal regulations has repaid to the Secretary of State any sums paid to him on account of benefit under those regulations, he shall be deemed for the purposes of those regulations not to have received payment of that benefit.".

**13.** Any scheme approved under regulation 17(3)(*d*)(v) of the principal regulations before the date of coming into operation of these regulations shall be regarded as having been approved by the Secretary of State for the purposes of regulation 43(2) and regulation 51(1) of the principal regulations.

*Additional pension for widows of certain optants*

**14.**—(1) After regulation 43 of the principal regulations there shall be added the following regulation—

"*Additional pension for widows of certain optants*

**43A.**—(1) A male officer to whom regulation 43 applies may within 12 months of the date of coming into operation of the National Health Service (Superannuation) (Amendment) Regulations 1975 if he is then a married officer or, in any other case, within 12 months of his becoming a married officer after that date, elect to make payment either in accordance with paragraph (2) or paragraphs (2) and (3) of this regulation, and if he makes such payment and at his death was—

(*a*) entitled to a pension under the relevant provisions; or

(*b*) an officer and able to reckon not less than 5 years' contributing service under the relevant provisions; or

(*c*) a person who ceased to be an officer within 12 months before his death after completing 5 years' contributing service and not having received a return of contributions or become entitled to any other benefit (including a transfer value) under these regulations,

an annual widow's pension calculated in accordance with this regulation shall become payable to his widow and subject to the provisions of paragraphs (2), (3) and (4) of this regulation such election shall continue to have effect so long as he is an officer to whom the said regulation 43 applies:

Provided that—

(i) the time limit of 12 months within which an officer may make an election may be extended to such longer period as the Secretary of State may in any particular case allow, in which event the Secretary of State may vary the provisions of schedule 10 in such manner as he considers to be appropriate;

(ii) the provisions of regulation 14(4) shall apply in relation to a widow's pension payable under this regulation;

(iii) a widow's pension shall not become payable under this regulation in the circumstances mentioned in either proviso (i) or (ii) to regulation 14(1);

(a) S.I. 1966/1523 (1966 III, p. 4309).

(iv) a widow's pension under this regulation shall not be payable in respect of more than 45 years' service and no account shall be taken of service before age 60 in excess of 40 years;

(v) an officer shall not be permitted to elect under this regulation during any period when he is on leave of absence from duty;

(vi) a transferred officer who became such officer in consequence of the Act of 1973 may only make an election to make payment in accordance with paragraph (3) of this regulation.

(2) Where an officer has elected to make payment in accordance with this paragraph, he shall be required to pay contributions of an amount equal to one and one-half per cent of his remuneration for the time being and such contributions shall be payable as from the material date until either—

(*a*) he is no longer entitled to reckon further service under the relevant provisions, or

(*b*) he becomes a widower or is divorced or judicially separated from his wife,

whichever first occurs, and the amount of the widow's pension payable under paragraph (1) of this regulation shall be an amount equal to one-three hundred and twentieth of her husband's average remuneration in respect of each year of reckonable service during which he has paid the contributions required under this paragraph and proportionately for any part-year.

(3) Where an officer has elected to make payment in accordance with this paragraph, he shall be required to do so in accordance with the provisions of schedule 10 in respect of the whole or any part of the service reckonable by him on the material date under the relevant provisions and the amount of the widow's pension payable under paragraph (1) of this regulation shall be an amount equal to one-three hundred and twentieth of her husband's average remuneration for each year of reckonable service in respect of which he made payment under this paragraph and proportionately for any part-year:

Provided that—

(i) an officer may not elect to make payment in accordance with this paragraph in respect of any period for which he has previously made payment in accordance with this paragraph or paragraph (2) of this regulation;

(ii) if an officer whose remuneration is calculated under paragraph 5(3) of schedule 10 ceases to be an officer during the period therein mentioned his election under this regulation shall be cancelled;

(iii) an officer shall not continue to make payments in accordance with this paragraph if he becomes a widower or becomes divorced or judicially separated from his wife and in such event the provisions of paragraph (4)(*b*) of this regulation shall apply;

(iv) a transferred officer who became such officer in consequence of the Act of 1973 may not elect to make payment in accordance with this paragraph in respect of any service for which a widow's pension may become payable on his death at the rate of one-one hundred and sixtieth of his pensionable remuneration;

(v) a widow's pension calculated in the manner provided in this paragraph shall not be payable to a widow during any period when she is entitled to receive a widow's short-term pension under the provisions of the Local Government Superannuation Regulations 1974(a).

(4) Where any payments in accordance with paragraph (3) of this regulation remain to be made by an officer and at least one payment has been made by him—

(*a*) in the event of his becoming entitled under the relevant provisions to a pension payable on account of his being permanently incapable of discharging the duties of his employment by reason of physical or mental infirmity or dying whilst an officer, for the purpose of the said paragraph (3) he shall be deemed to have completed the remaining payments;

(*b*) in the event of his ceasing to be an officer in circumstances other than those mentioned in sub-paragraph (*a*) of this paragraph, the widow's pension which on his death may become payable under this regulation shall be calculated on that proportion of his reckonable service in respect of which he elected to make payment in accordance with the said paragraph (3) as the amount paid bears to the total amount due to be paid, except that if within 3 months of so ceasing to be an officer he pays the balance of the total amount due to be paid, such widow's pension shall be calculated on the service in respect of which he elected to make the said payment, so, however, the balance of the total amount due to be paid shall be reduced by the amount added under paragraph 4 of schedule 10 in respect of the period between the date on which he so ceased to be an officer and the date on which the final payment was due; or

(*c*) if sub-paragraph (*b*) of this paragraph has applied to him and he again becomes an officer to whom regulation 43 applies in circumstances in which his previous service is still reckonable, he may within 3 months of becoming such an officer or within such longer period as the Secretary of State may in any particular case allow, make those payments that he would have made had he not ceased to be an officer and unless he does so he shall not continue making payments in accordance with the said paragraph (3).

(5) In this regulation—

(*a*) "remuneration" has the meaning ascribed to it in regulation 2(1) modified to such extent as the Secretary of State considers appropriate having regard to the relevant provisions;

(*b*) "average remuneration" means the average of his remuneration (as defined in the preceding sub-paragraph) calculated in accordance with regulation 34; and

(*c*) "material date" means the date on which an officer's election under paragraph (1) of this regulation is received by his employing authority.".

(2) In the principal regulations—

(*a*) in regulation 2 (interpretation)—

(a) S.I. 1974/520 (1974 I, p. 1986).

(i) in paragraph (1) after the definition of "regulation" there shall be inserted the following definition—

" "relevant provisions" in relation to a person to whom regulation 43 applies means the provisions of the enactment or scheme to which his rights and liabilities, as extended by these regulations, correspond;";

(ii) in paragraph (8)(*c*) for the words "and 32A" there shall be substituted the words ", 32A and 43A";

(*b*) in regulation 43(8) (benefits of officers who have exercised certain options) in sub-paragraph (*e*) for the words from the beginning to and including the words "such widow's pension shall be—" there shall be substituted the words—

"(*e*) where a person dies and at the time of his death he was either entitled to a pension, or was an officer and able to reckon not less than 5 years' reckonable service, or was a person who had ceased to be an officer within 12 months before his death after completing 5 years' reckonable service and not having received a return of contributions or become entitled to any other benefits (including a transfer value) under these regulations, and his pension was or would have been calculated by reference to service and the annual average of remuneration over a final period of service, his widow shall be entitled to receive from the Secretary of State a widow's pension and the annual amount of such widow's pension shall be—";

(*c*) in regulation 45(9) (persons subject to non-statutory superannuation schemes and arrangements)—

(i) for sub-paragraph (*c*)(ii) there shall be substituted the following sub-paragraph—

"(ii) the provisions of regulation 43(8)(*e*) to the widow of a person who dies and who at the time of his death was either entitled to a pension, or was an officer and able to reckon not less than 5 years' reckonable service, or was a person who had ceased to be an officer within 12 months before his death after completing 5 years' reckonable service and not having received a return of contributions or become entitled to any other benefit (including a transfer value) under these regulations, and whose pension was or would have been calculated by reference to service and the annual average of remuneration over a final period of service, and";

(ii) after sub-paragraph (*c*) there shall be inserted the following sub-paragraph—

"(*d*) where the benefits under the scheme or arrangements, or any part of such benefits, are payable by the Secretary of State and any benefit payable thereunder to or in respect of a person is calculated by reference to the annual average of his remuneration over a final period of his service, the Secretary of State may apply, with the necessary changes, the provisions of regulation 43A to a person to whom this regulation applies.";

(*d*) schedule 2 to these regulations shall be included as schedule 10 to the principal regulations.

*Amendments relating to trainee medical practitioners*

**15.** In the principal regulations—

(*a*) in regulation 2(1) (interpretation)—

(i) in the definition of "assistant practitioner" in sub-paragraph (i) for the word ", and," there shall be substituted the words "or a trainee practitioner;" and sub-paragraph (ii) shall be deleted;

(ii) after the definition of "teaching service" there shall be inserted the following definition—

" "trainee practitioner" means a person who is being trained in general practice as a trainee general practitioner under arrangements made by the Secretary of State;";

(*b*) in regulation 4(1) (application of the regulations) after sub-paragraph (*g*) there shall be added the following sub-paragraph—

"(*h*) any trainee practitioner, who for the purposes of this part of these regulations shall be treated as being a whole-time officer in the employment of an Area Health Authority:".

*Amendments relating to transferred officers*

**16.** In the principal regulations—

(*a*) in regulation 2(1) (interpretation) at the end of the definition of "remuneration" there shall be inserted the following proviso—

"Provided that where a transferred officer was immediately before transfer paying superannuation contributions on remuneration calculated otherwise than under these regulations, the Secretary of State may, subject to such conditions as he may impose, agree that such officer's remuneration for the purposes of these regulations shall be calculated on the basis applicable to him immediately before transfer.";

(*b*) in regulation 4(1) (application of the regulations) after proviso (iii) there shall be added the following proviso—

"(iv) in the case of a person who became a transferred officer on or after 1st September 1973 sub-paragraph (*e*) of this paragraph shall not apply to the employment in which he was transferred unless he makes an election in writing to his employing authority that the said sub-paragraph shall apply to him;";

(*c*) in schedule 7 (part-time employments) for proviso (iii) to paragraph 2(2) there shall be substituted the following proviso—

"(iii) an election in relation to the minimum employment qualification set out in paragraph 1(*c*) of this schedule, other than by a person to whom the last preceding proviso applies, must be made within 3 months of the date on which that paragraph first applied to him or within such longer period as the Secretary of State may in any particular case allow.";

(*d*) in regulation 44 (benefits of officers who did not exercise certain options) for paragraph (2B) there shall be substituted the following paragraph—

"(2B) An officer who was transferred under the Act of 1973 to the employment of an employing authority shall, notwithstanding anything in this regulation, receive the same amount (if any) by way of increase in retiring allowance under this regulation as he would have received under the Local Government Superannuation Regulations 1974 had he not been so transferred.".

*Amendments relating to pay restraint*

**17.** In the principal regulations—

(*a*) in regulation 34(1) (meaning of average remuneration) after proviso (*j*) there shall be added the following proviso—

"(*k*) in a case where any payment which has been awarded to an officer or to which he was entitled under his conditions of employment has been withheld or deferred in the national interest then, if the Secretary of State considers it appropriate, the withholding or deferment shall be deemed not to have taken place.";

(*b*) in regulation 43(8) (benefits of officers who have exercised certain options) after sub-paragraph (*h*) there shall be added the following sub-paragraph—

"(*i*) for the purpose of calculating the average remuneration of an officer to whom this regulation applies, account shall be taken of the provisions of proviso (*k*) to regulation 34(1).".

(*c*) in regulation 66(2) (scales of pension for a practitioner) at the end of paragraph (2) there shall be added the following sub-paragraph—

"(*c*) in a case where any payment which has been awarded to a practitioner or to which he was entitled under his terms of service has been withheld or deferred in the national interest then, if the Secretary of State considers it appropriate, the withholding or deferment shall be deemed not to have taken place.".

*Miscellaneous amendments*

**18.** In the principal regulations—

(*a*) in regulation 7(4)(*d*) (contributions) the word "first" shall be deleted;

(*b*) in regulation 14A(2) (child's allowance) at the end of sub-paragraph (*b*)(i) there shall be added the words "is in a break in such instruction or training, or";

(*c*) for regulation 15 (power to compound small benefits) there shall be substituted the following regulation—

"*Power to compound small benefits*

**15.** Where the annual sum payable to any person is less than £26 the Secretary of State may discharge his liability in respect of that annual sum and in respect of any death gratuity which might otherwise become payable on the person's death by the payment of a lump sum representing the capital value of that annual sum and that death gratuity.";

(*d*) in regulation 40(2) (combined benefits) after the words "to receive if the service" there shall be inserted the words "(other than contributing service added under regulations 33(3), 71(2) or 71(3))";

(*e*) in proviso (*d*) to regulation 41(2) (separate benefits) after the words "of these regulations" there shall be inserted the words "as originally enacted";

(*f*) in regulation 49 (holders of joint appointments) the words "or has completed twenty years' service," shall be deleted;

(*g*) in regulation 54A (payments without proof of title) for "£500" there shall be substituted "£1,500" and after the words "pay that sum to" there shall be inserted the words "the personal representatives or to";

(*h*) in regulation 64 (meaning of "remuneration")—

(i) for sub-paragraph (iii) in proviso (*d*) to paragraph (2) there shall be substituted the following sub-paragraphs—

"(iii) in excess of £10,000 in any financial year ending on or after 31st March 1973 but ending not later than 31st March 1975; or

(iv) in excess of such amount (if any) in any financial year commencing after 31st March 1975 as the Secretary of State may specify."

(ii) after paragraph (8) there shall be added the following paragraph—

"(9) For the purposes of these regulations the remuneration of a practitioner in respect of his service as a practitioner during part of a financial year shall be the same proportion of his remuneration in respect of his service as a practitioner during the whole of that year as his service as a practitioner during such part of a year bears to his service as a practitioner during the whole of that year.";

(*i*) after regulation 89 there shall be added the following regulation—

"*Declaration of entitlement*

**90.** The Secretary of State or a person acting on his behalf may as a condition of paying any benefit under these regulations require a person claiming or receiving such benefit to furnish such declaration as to his entitlement to that benefit as the Secretary of State may at any time require.".

(*j*) in paragraph 3(1) of schedule 1 (allocation of part of pension) for the words "a copy of regulation 12" to and including the words "time being in force" there shall be substituted the words "written information explaining the provisions of these regulations relating to such surrender".

*Revocation*

**19.**—(1) The following regulations are hereby revoked—

(*a*) in the principal regulations—

(i) Regulations 7(5), 9(6), 29(8), 34(3), 40(3), and 41(5);

(ii) Regulations 16, 19, 21, 24, 25, 43(6), 44(2), 44(2A), 61(2) and (3), 76, 77, 80, 81, 82, 85(1) and 89;

(*b*) Regulation 12 of the National Insurance (National Health Service Superannuation Scheme—Modification and Non-participation) Regulations 1965.

(2) Section 38 of the Interpretation Act shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were an Act of Parliament repealed by an Act of Parliament.

*Transitional provisions relating to increase in certain benefits*

**20.**—(1) Where a benefit, other than a return of contributions or a transfer value, became payable under the principal regulations during the period 1st January 1969 to 24th March 1972 (both dates inclusive), so much of that benefit which is—

(*a*) in respect of service reckonable under the principal regulations as service as a practitioner (otherwise than by virtue of regulation 59 of the National Health Service (Superannuation) (Amendment) Regulations 1966)(**a**), and

(*b*) in respect of service before 15th December 1966 which was reckonable as service as a practitioner by virtue of the said regulation 59, being a benefit calculated in accordance with paragraph (3) of that regulation or based on a pension so calculated,

shall be increased by the factor shown in column (2) of the table set out below corresponding to the period shown in column (1) during which remuneration taken into account for the purpose of calculating such benefit was last earned, but this regulation shall not apply to a death gratuity or short service gratuity calculated otherwise than by reference to the amount of a pension.

(2) Where the Secretary of State has made a payment under regulation 78(1) of the principal regulations calculated by reference to a pension which would have been increased in accordance with this regulation had it become payable on the day following that on which the person in respect of whom the payment was made ceased to be an officer, the Secretary of State may at his discretion increase the amount of that payment accordingly.

(3) For the purposes of this regulation a benefit under regulation 8(1)(*a*)(iv) of the principal regulations shall be deemed to have become payable when entitlement to the benefit arose and a benefit payable under regulation 79(2)(*a*), (*b*) or (*c*) of the principal regulations shall be deemed to have become payable on the day following that on which the person to or in respect of whom the benefit is payable last ceased to be an officer.

(4) A pension shall be increased under this regulation before being reduced under regulation 52 of the principal regulations or under the provisions of Part III of the National Insurance (National Health Service Superannuation Scheme—Modification and Non-participation) Regulations 1965, as amended.

TABLE

| (1) | (2) |
|---|---|
| 1st January 1969 to 31st March 1969 ... ... ... ... | 1·01 |
| 1st April 1969 to 30th June 1969 ... ... ... ... ... | 1·04 |
| 1st July 1969 to 30th September 1969 ... ... ... ... | 1·08 |
| 1st October 1969 to 31st December 1969 ... ... ... ... | 1·12 |
| 1st January 1970 to 31st March 1970 ... ... ... ... | 1·16 |
| 1st April 1970 to 30th June 1970 ... ... ... ... ... | 1·20 |
| 1st July 1970 to 30th September 1970 ... ... ... ... | 1·24 |
| 1st October 1970 to 31st December 1970 ... ... ... ... | 1·28 |
| 1st January 1971 to 31st March 1971 ... ... ... ... | 1·32 |
| 1st April 1971 to 30th June 1971 ... ... ... ... ... | 1·36 |
| 1st July 1971 to 30th September 1971 ... ... ... ... | 1·40 |
| 1st October 1971 to 31st December 1971 ... ... ... ... | 1·44 |
| 1st January 1972 to 24th March 1972 ... ... ... ... | 1·47 |

(a) S.I. 1966/1523 (1966 III, p. 4309).

*Transitional provisions relating to contributions on a former higher rate of remuneration*

**21.**—(1) Subject to paragraph (2), where immediately before the date of coming into operation of these regulations an officer was making contributions under regulation 7(5) of the principal regulations or under a corresponding provision of the relevant provisions, the said regulation 7(5) or corresponding provision shall cease to apply to him as from the date of coming into operation of these regulations and in lieu thereof as from that date he shall be entitled to benefits under regulation 8(1)(*a*)(vi) of the principal regulations as though the requirements of that regulation were satisfied.

(2) Regulation 7(5) of the principal regulations or a corresponding provision of the relevant provisions shall continue to apply as if these regulations had not been made in the case of an officer who at the date of coming into operation of these regulations is within 12 months of attaining or has attained an age at which he may become entitled to a pension under regulation 8(1)(*a*)(ii) of the principal regulations and who gives notice in writing to his employing authority within 3 months of that date, or within such longer period as the Secretary of State may in any particular case allow, that he wishes to continue making contributions under the said regulation 7(5) or corresponding provision.

(3) Where an officer, other than an officer to whom the provisions of regulation 43 of the principal regulations apply, was transferred to the employment of an employing authority under the National Health Service Reorganisation Act 1973**(a)** and immediately before transfer he was making contributions in accordance with section 6(5) of the Local Government Superannuation Act 1937**(b)** or a corresponding provision of a local Act scheme, he shall be entitled to benefits under regulation 8(1)(*a*)(vi) of the principal regulations in respect of the service reckonable by him immediately before he was so transferred.

*Transitional provisions relating to the purchase of an unreduced retiring allowance*

**22.**—(1) Where an election is made under regulation 23C of the principal regulations by a male officer who was an officer on 1st October 1972 or became an officer after that date and that election is received by his employing authority on or before 31st December 1975 then, for the purpose of calculating the amount of the payment under the said regulation 23C—

(*a*) the material date shall, subject to paragraph (2) of this regulation, be deemed to be 1st October 1972 or such later date on which he became an officer;

(*b*) in the case of an officer who was an officer other than a practitioner at the material date, his remuneration for the purposes of paragraph 5(3) of schedule 9 to the principal regulations and subject to the provisos thereto, shall be his annual rate of remuneration at the material date or if he was then an officer specified in regulation 7(4) of the principal regulations his average remuneration;

(*c*) in the case of an officer who was a practitioner at the material date, his remuneration shall be determined in accordance with the provisions of paragraph 5(4) of schedule 9 to the principal regulations.

(2) Notwithstanding the provisions of paragraph (1)(*a*) of this regulation—

(*a*) in the case of an officer whose retiring allowance had he become entitled to such allowance on 1st October 1972 or such later date on which he

**(a)** 1973 c. 32. **(b)** 1937 c. 68.

became an officer would have been calculated otherwise than by reference to proviso (*a*) or (*b*) to regulation 9(3) of the principal regulations, the material date shall be deemed to be the date of his becoming a married officer;

(*b*) in the case of an officer whose retiring allowance had he become entitled to such allowance on 1st October 1972 or such later date on which he became an officer would have been calculated by reference to proviso (*b*) to regulation 9(3) of the principal regulations, the material date shall be deemed to be 1st October 1972 or such later date on which he became an officer but where such an officer has married after 1st October 1972 but on or before 31st December 1975 the material date, for the purpose of calculating the amount payable under regulation 23C of the principal regulations in respect of the officer's contributing service which, had he not so married, would have attracted a retiring allowance equal to three times the annual amount of his pension in respect of that service, shall be deemed to be the date after 1st October 1972 on which he became a married officer.

(3) A person who during the period 3rd July 1974 to 31st December 1975 (both dates inclusive) ceases to be an officer and thereupon becomes entitled to a pension under regulation 8 of the principal regulations and a retiring allowance related to that pension and who, had he not become so entitled, would have been able to make an election under regulation 23C of the principal regulations on or before 31st December 1975 shall, where it is to his advantage, be deemed to have made such election in respect of that retiring allowance, in which event—

(*a*) where he becomes entitled to the said pension under paragraph (1)(*a*)(i) of the said regulation 8 a single payment (calculated in accordance with paragraph (7) of this regulation) shall be deducted from such retiring allowance and any further sum payable under the said regulation 23C shall be waived, and

(*b*) in any other case there shall be deducted from such retiring allowance an amount equal to the amount which would have been payable by him by way of lump sum had he made such election and had paragraph (1) of this regulation applied.

(4) A person who during the period 3rd July 1974 to 31st December 1975 (both dates inclusive) dies whilst an officer and who, had he not died, would have been able to make an election under regulation 23C of the principal regulations on or before 31st December 1975, shall be deemed to have made such election and a single payment (calculated in accordance with paragraph (7) of this regulation) shall be deducted from the death gratuity and any further sum payable under the said regulation 23C shall be waived.

(5) Subject to paragraph (6) of this regulation a person who during the period 3rd July 1974 to 31st December 1975 (both dates inclusive) ceased to be an officer and died within 12 months of so ceasing in circumstances in which a death gratuity is payable under regulation 13(1)(*b*) of the principal regulations and who, had he not ceased to be an officer, would have been able to make an election under regulation 23C of the principal regulations shall be deemed to have made such election.

(6) The death gratuity payable in respect of a person to whom paragraph (5) of this regulation applies shall be reduced by an amount equal to the amount which would have been payable by that person by way of lump sum had he

made an election and had paragraph (1) of this regulation applied, but this paragraph shall not apply so as to reduce the death gratuity that would otherwise be payable.

(7) Where a person ceased to be an officer in the circumstances mentioned in paragraphs (3) or (4) of this regulation, the single payment mentioned in sub-paragraph (*a*) of the said paragraph (3) and in the said paragraph (4) shall—

(*a*) where he was employed otherwise than as a practitioner when he ceased to be such an officer, be an amount equal to that proportion of 9 per cent of his annual rate of remuneration when he ceased to be such an officer that would have been deducted from his remuneration in his normal pay period of one week, one month or one quarter as the case may be, and

(*b*) where he was a practitioner when he ceased to be such an officer, be an amount equal to that proportion of 9 per cent of his remuneration in the last 3 months as a practitioner before he ceased to be such an officer that would have been deducted from his remuneration in his normal pay period of one month or one quarter, as the case may be:

Provided that for the purpose of calculating a person's annual rate of remuneration where he was—

(i) a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations, his annual rate of remuneration shall be increased by a sum equal to the amount of those fees earned by him in the last financial year ending before he ceased to be such an officer;

(ii) an officer whose remuneration was reduced or suspended by reason of his absence from duty owing to illness or injury, the absence shall be disregarded and no account shall be taken of the reduction or suspension.

(8) The Secretary of State may specify such later dates as he considers to be appropriate in any particular case to be substituted for any one or more of the references in this regulation to 31st December 1975.

*Transitional provisions relating to transfers of service*

**23.**—(1) Where a person entered employment as an officer after 24th March 1972 but before 1st January 1974, after leaving employment in which he was not an officer and in which he was subject to a superannuation scheme other than a health service scheme, and—

(*a*) he became an officer within 12 months after leaving that previous employment,

(*b*) not later than 30th September 1974 he gave written notice to the Secretary of State that he wished this provision to apply to him,

(*c*) the body administering such superannuation scheme makes a transfer payment to the Secretary of State in respect of him, and

(*d*) no transfer payment was received by the Secretary of State in respect of him under any provisions previously in force by virtue of the principal regulations,

there shall be reckonable as contributing service in relation to the employment in which he is an officer such period of service as is calculated in accordance with Part II of schedule 3 of the principal regulations.

(2) Where a person ceased to be employed as an officer (hereinafter referred to as his "old employment") after 24th March 1971 and entered employment in which he participated in a superannuation scheme (hereinafter referred to as his "new employment") and—

(*a*) he entered his new employment within 12 months after leaving his old employment,

(*b*) not later than 31st March 1975 he gave written notice to the Secretary of State that he wished this provision to apply to him,

(*c*) no benefit (other than a return of his contributions) has been paid in respect of his old employment,

(*d*) he has repaid to the Secretary of State an amount equal to any sum paid to him by way of return of contributions, together with an amount equal to any income tax which was deducted from his contributions in respect of such payment (not being a deduction under regulation 35(3) of the principal regulations), and

(*e*) no transfer payment has been made in respect of his old employment under any provision previously in force by virtue of the principal or the previous regulations,

the Secretary of State may, if the body administering that scheme so agrees, and that scheme has been approved for the purpose of this paragraph by the Board of Inland Revenue, pay to that body a transfer payment calculated in accordance with schedule 3 to the principal regulations.

(3) Where, before the coming into operation of these regulations—

(*a*) a person entered employment in which he was an officer after leaving employment as an established civil servant, or in teaching service or which was approved by the Secretary of State under regulation 17(3)(*d*)(v) of the principal regulations (as originally enacted), or

(*b*) a person left employment in which he was an officer and became a participant in a superannuation scheme specified in regulation 78(1) of the principal regulations (as originally enacted),

he may be treated as if these regulations had not been made.

**24.**—(1) Where a person who ceased to be employed as an officer before 6th April 1975 and in respect of whom a transfer payment under regulation 78(1) of the principal regulations, or any corresponding provision previously in force by virtue of those or the previous regulations, has been made to the body administering the Federated Superannuation Scheme for Nurses and Hospital Officers, ceases to participate in that scheme in circumstances in which he becomes entitled to a benefit which is based solely on his contributions, that body shall pay to the Secretary of State a sum equal to the transfer payment and the Secretary of State shall pay to that person a sum equal to the amount which would have been paid to him by way of return of contributions on his ceasing to be an officer if the transfer payment had not been made.

(2) If within 12 months of ceasing to participate in the Federated Superannuation Scheme for Nurses and Hospital Officers and within 5 years after ceasing to be employed as an officer by an employing authority, a person mentioned in paragraph (1) of this regulation again becomes an officer to whom Part II of the principal regulations applies, he shall be entitled, if he pays or repays to the Secretary of State any sum paid to him by the Secretary of State under the said

paragraph (1), together with an amount equal to any income tax which was deducted in respect of such payment (not being a deduction under regulation 35(3) of the principal regulations), to reckon as service, in relation to the employment in which he is an officer, all periods of employment, war service or national service which he was so entitled to reckon in relation to his employment under the former employing authority immediately before the date on which he ceased to be employed by them, and as contributing service any period of national service after so ceasing to be employed.

(3) Where a person who ceased to be employed as an officer before 6th April 1975 and in respect of whom a transfer payment under regulation 78(1) of the principal regulations, or any corresponding provision previously in force by virtue of those or the previous regulations, has been made to the body administering the Federated Superannuation Scheme for Nurses and Hospital Officers—

(*a*) leaves the employment in which he is a participant in that scheme in circumstances other than those in which paragraph (1) of this regulation applies; and

(*b*) within 12 months after leaving that employment and within 5 years after ceasing to be employed as an officer again enters employment in which he is an officer; and

(*c*) within 3 months after entering the last-mentioned employment or within such longer period as the Secretary of State may in any particular case allow notifies the employing authority by whom he is employed in that employment that he desires the provisions of this paragraph to apply to him,

then if the body administering the scheme pays to the Secretary of State a sum equal to the transfer payment, that person shall be entitled to reckon such service as he would have been entitled to reckon if there had been no break between his ceasing to be an officer and his again becoming an officer as aforesaid.

*Date from which certain amendments take effect*

**25.**—(1) Regulations 8, 9, 10, 12, 13 and 19(1)(*a*)(ii) shall have effect as from 1st January 1974 in relation to any person who has entered employment in which he is an officer and who, on or after that date, gives written notice that he wishes a transfer payment to be made to the Secretary of State, and in relation to any person who, on or after that date, gives written notice that he wishes the body administering the superannuation scheme to which he has become subject to apply to the Secretary of State for a transfer payment.

(2) Regulation 16 shall have effect as from 1st September 1973 and regulation 17 shall have effect as from 7th November 1973.

(3) Regulations 5 (except that part of regulation 5 introducing regulation 8(1)(*a*)(vi) of the principal regulations and regulation 5(2)(*e*)(ii)), 6 and 7 shall have effect as from 6th April 1975 in relation to any person who, on or after that date, was an officer or a person to whom regulation 18(1) of the principal regulations applied.

*Barbara Castle*,
Secretary of State for Social Services.

4th August 1975.

Consent of the Minister for the Civil Service given under his Official Seal on 4th August 1975.

(L.S.)

*K. H. McNeill*,
Authorised by the Minister for the Civil Service.

Regulation 23C

## SCHEDULE 1

### Purchase of Unreduced Retiring Allowance

1. The sum payable under regulation 23C by an officer shall be calculated in accordance with the provisions of paragraph 5 of this schedule, and may be paid—

(*a*) by a lump sum;

(*b*) partly by a lump sum and partly, as provided in paragraph 3 of this schedule, by equal instalments; or

(*c*) wholly by equal instalments as aforesaid.

2. For the purposes of this schedule the "material date" shall be the date on which an officer's election to make payment under regulation 23C is received by his employing authority.

3. A lump sum payable under paragraph 1 of this schedule shall be paid within such time after the officer's election under regulation 23C as the Secretary of State may specify and instalments payable under that paragraph shall be of equal amounts spread over a whole number of years being not less than 5 years and not more than 10 years or over the whole period to the date on which the officer attains the age of 65 years if that period is less than 10 years, the first instalment to be paid within such period as the Secretary of State may specify:

Provided that—

(*a*) the whole of the instalments shall be paid by the date on which the officer attains the age of 65 years; and

(*b*) the instalments payable by an officer, together with any other contributions payable by him under these or the previous regulations, shall not in aggregate exceed 15 per cent of his remuneration or such other limit as the Commissioners of Inland Revenue may from time to time specify.

4. Where payment is made by instalments under paragraph 1 of this schedule, the amount calculated in accordance with paragraph 5 of this schedule shall be increased by 5 per cent for each year over which instalments are to be spread and proportionately for any part-year.

5.—(1) For the purpose of calculating the sum to be paid by an officer under this schedule the table set out below shall be used in accordance with this paragraph.

(2) The age of an officer means his age at the material date.

(3) The remuneration of a person who at the material date was an officer, other than a practitioner, shall—

(*a*) for the purpose of calculating the sum to be paid in respect of contributing service otherwise than as a practitioner (other than service which would at the material date be deemed to be practitioner service under regulations 68 and 69 if a benefit were then payable), be the annual average of his remuneration during the 3 months of continuous employment as such officer before the material date, or to the end of the first 3 months of such employment if that is later than the material date; and

(*b*) for the purpose of calculating the sum to be paid in respect of contributing service as a practitioner (including service which would at the material date be deemed to be practitioner service under regulations 68 and 69 if a benefit were then payable) which terminated before the material date, be the annual average of his total uprated remuneration (calculated in accordance with regulation 66(2)(*a*)) for service as a practitioner, increased by an annual amount equal to any increase which would have been payable at the material date under the

Pensions (Increase) Act 1971(a) on a pension of the same amount as such annual average of his total uprated remuneration and beginning on the day following the last day of service as a practitioner had that Act applied to such pension:

Provided that—

(i) the remuneration of such officer who at the material date was an officer specified in regulation 7(4) shall be his average remuneration increased by an annual amount equal to any increase which would have been payable at the material date under the Pensions (Increase) Act 1971 on a pension of the same amount as such average remuneration and beginning on the day on which regulation 7(4) first applied to him;

(ii) in the case of a medical or dental officer entitled under his terms of service to fees in respect of domiciliary consultations, his remuneration for the purpose of calculating the sum to be paid in respect of any contributing service to which regulation 9A would apply shall be increased by a sum equal to the amount of such fees earned by him in the last financial year ending before the material date;

(iii) in the case of an officer whose remuneration was reduced or suspended by reason of his absence from duty owing to illness or injury, the absence shall be disregarded and no account shall be taken of the reduction or suspension; and

(iv) the rate of remuneration of an officer in part-time employment shall be deemed to be the rate of remuneration which the Secretary of State determines would have been paid in respect of a single comparable whole-time employment.

(4) The remuneration of a person who at the material date was a practitioner, shall—

(*a*) for the purpose of calculating the sum to be paid in respect of contributing service as a practitioner (including service which would at the material date be deemed to be practitioner service under regulations 68 and 69 if a benefit were then payable), be the annual average of his total uprated remuneration (calculated in accordance with regulation 66(2)(*a*)) for service as a practitioner before the material date, or the annual average of his remuneration as a practitioner to the end of the first complete quarter of service as a practitioner if that is later than the material date; and

(*b*) for the purpose of calculating the sum to be paid in respect of contributing service otherwise than as a practitioner (other than service which would at the material date be deemed to be practitioner service under regulations 68 and 69 if a benefit were then payable) which terminated before the material date, be his annual rate of remuneration when he last ceased to be an officer other than a practitioner, increased by an annual amount equal to any increase which would have been payable at the material date under the Pensions (Increase) Act 1971 on a pension of the same amount as such annual rate of remuneration and beginning on the day following the last day of service otherwise than as a practitioner had that Act applied to such pension,

and in determining remuneration under this sub-paragraph provisos (i) to (iv) to sub-paragraph (3) above shall apply.

(5) The sum payable by an officer in respect of one year of contributing service shall be calculated by multiplying his remuneration by the amount shown in column (2) of the table set out below corresponding to his age and dividing the product by 100.

(6) The sum payable by an officer in respect of more than one year of contributing service is the sum calculated in accordance with sub-paragraph (5) of this paragraph multiplied by the number of years of contributing service in respect of which he elects to make payments under regulation 23C(1), and a proportionate amount in respect of a fraction of a year of contributing service in respect of which he elects to make such payment.

(a) 1971 c. 56.

TABLE

| Age (1) | Amount appropriate in respect of each £100 of remuneration (2) |
|---|---|
| | £ |
| 20 | 1·48 |
| 21 | 1·49 |
| 22 | 1·50 |
| 23 | 1·51 |
| 24 | 1·52 |
| 25 | 1·53 |
| 26 | 1·54 |
| 27 | 1·55 |
| 28 | 1·56 |
| 29 | 1·57 |
| 30 | 1·59 |
| 31 | 1·60 |
| 32 | 1·61 |
| 33 | 1·63 |
| 34 | 1·64 |
| 35 | 1·66 |
| 36 | 1·67 |
| 37 | 1·69 |
| 38 | 1·70 |
| 39 | 1·71 |
| 40 | 1·73 |
| 41 | 1·74 |
| 42 | 1·76 |
| 43 | 1·78 |
| 44 | 1·79 |
| 45 | 1·81 |
| 46 | 1·83 |
| 47 | 1·85 |
| 48 | 1·87 |
| 49 | 1·89 |
| 50 | 1·91 |
| 51 | 1·94 |
| 52 | 1·97 |
| 53 | 2·00 |
| 54 | 2·03 |
| 55 | 2·07 |
| 56 | 2·12 |
| 57 | 2·17 |
| 58 | 2·23 |
| 59 | 2·30 |
| 60 | 2·38 |
| 61 | 2·39 |
| 62 | 2·40 |
| 63 | 2·42 |
| 64 | 2·43 |
| 65 and over | 2·44 |

## SCHEDULE 2 Regulation 43A(3)

### PURCHASE OF ADDITIONAL WIDOW'S PENSION

1. The sum payable under regulation 43A(3) by an officer shall be calculated in accordance with the provisions of paragraph 5 of this schedule, and may be paid—

(*a*) by a lump sum;

(*b*) partly by a lump sum and partly, as provided in paragraph 3 of this schedule, by equal instalments; or

(*c*) wholly by equal instalments as aforesaid.

2. For the purposes of this schedule the "material date" has the meaning ascribed to it in regulation 43A(5)(*c*).

3. A lump sum payable under paragraph 1 of this schedule shall be paid within such time after the material date as the Secretary of State may specify and instalments payable under that paragraph shall be of equal amounts spread over a whole number of years not being less than 5 years and not more than 10 years or over the whole period to the date on which the officer attains the age of 65 if that period is less than 10 years, the first instalment to be paid within such period as the Secretary of State may specify:

Provided that—

(*a*) the whole of the instalments shall be paid by the date on which the officer attains the age of 65 years; and

(*b*) the instalments payable by an officer, together with any other contributions payable by him under these or the previous regulations, shall not in aggregate exceed 15 per cent of his remuneration or such other limit as the Commissioners of Inland Revenue may from time to time specify.

4. Where payment is made by instalments under paragraph 1 of this schedule, the amount calculated in accordance with paragraph 5 of this schedule shall be increased by 5 per cent for each year over which instalments are to be spread and proportionately for any part-year.

5.—(1) For the purpose of calculating the sum to be paid by an officer under this schedule the table set out below shall be used in accordance with this paragraph.

(2) The age of an officer means his age at the material date.

(3) The remuneration of an officer means the annual average of his remuneration (being such remuneration as is defined in regulation 43A(5)(*a*)) during the 3 months of continuous employment as an officer—

(*a*) before the material date; or

(*b*) to the end of the first 3 months of such employment if that is later than the material date:

Provided that—

(i) in the case of an officer whose remuneration was reduced or suspended by reason of his absence from duty owing to illness or injury, the absence shall be disregarded and no account shall be take of the reduction or suspension; and

(ii) the rate of remuneration of an officer in part-time employment shall be deemed to be the rate of remuneration which the Secretary of State determines would have been paid in respect of a single comparable whole-time employment.

(4) The sum payable by an officer in respect of one year of service shall be calculated by multiplying his remuneration by the amount shown in column (2) of the table set out below corresponding to his age and dividing the product by 100.

(5) The sum payable by an officer in respect of more than one year of service is the sum calculated in accordance with sub-paragraph (4) of this paragraph multiplied by the number of years of service in respect of which he elects to make payment, and a proportionate amount in respect of a fraction of a year in respect of which he elects to make such payment.

TABLE

| Age (1) | Amount appropriate in respect of each £100 of remuneration (2) |
|---|---|
| | £ |
| 20 | 1·107 |
| 21 | 1·115 |
| 22 | 1·123 |
| 23 | 1·131 |
| 24 | 1·139 |
| 25 | 1·148 |
| 26 | 1·156 |
| 27 | 1·164 |
| 28 | 1·172 |
| 29 | 1·181 |
| 30 | 1·190 |
| 31 | 1·200 |
| 32 | 1·211 |
| 33 | 1·221 |
| 34 | 1·232 |
| 35 | 1·242 |
| 36 | 1·253 |
| 37 | 1·264 |
| 38 | 1·274 |
| 39 | 1·285 |
| 40 | 1·296 |
| 41 | 1·308 |
| 42 | 1·320 |
| 43 | 1·332 |
| 44 | 1·345 |
| 45 | 1·359 |
| 46 | 1·373 |
| 47 | 1·388 |
| 48 | 1·404 |
| 49 | 1·419 |
| 50 | 1·434 |
| 51 | 1·452 |
| 52 | 1·474 |
| 53 | 1·498 |
| 54 | 1·524 |
| 55 | 1·554 |
| 56 | 1·588 |
| 57 | 1·628 |
| 58 | 1·674 |
| 59 | 1·726 |
| 60 | 1·785 |
| 61 | 1·793 |
| 62 | 1·802 |
| 63 | 1·812 |
| 64 | 1·823 |
| 65 and over | 1·828 |

SCHEDULE 3 Regulations 17(4) and 78(1)

THE CALCULATION OF TRANSFER PAYMENTS AND OF SERVICE TO BE CREDITED IN RESPECT OF TRANSFER PAYMENTS MADE TO THE SECRETARY OF STATE

PART I

CALCULATION OF TRANSFER PAYMENT

1. A transfer payment to be made in accordance with the provisions of regulation 78 in respect of a person shall be—

(*a*) the aggregate of the sums calculated in accordance with paragraph 2 in respect of his accrued pension, accrued retiring allowance and, if the person is a man, his accrued widow's pension, less a sum in respect of accrued modification, together with—

(*b*) compound interest with yearly rests, at such rate of interest as the Secretary of State may from time to time specify, in respect of each complete year beginning with the day on which the person ceased to be an officer and ending with the day on which the transfer payment is made.

2.—(1) The sums in respect of accrued pension, accrued retiring allowance and accrued modification shall be calculated by multiplying the accrued pension by the pension factor, the accrued retiring allowance by the retiring allowance factor and the accrued modification by the modification factor, such factors being the factors in the appropriate table in this schedule in relation to the person's age at the date on which he ceased to be an officer.

(2) The sum in respect of the accrued widow's pension shall be calculated by multiplying the accrued widow's pension by four.

3. In this schedule—

(*a*) "accrued pension" and "accrued retiring allowance" mean the annual pension and retiring allowance respectively to which the person would have become entitled if, on the date he ceased to be an officer, he had attained minimum pensionable age and had completed a specified period of service;

(*b*) "accrued widow's pension" means the annual widow's pension which, after the expiry of any initial period during which it might have been paid at a higher rate, would have been payable in respect of the person if, on the date he ceased to be an officer, he had been a married man who, by virtue of his having attained minimum pensionable age, had been in receipt of a pension equivalent to his accrued pension and had died;

(*c*) "accrued modification" means the amount by which the accrued pension would be reduced under any provision for the reduction of a pension as a consequence of the provisions of sections 30 and 36 of the National Insurance Act 1965(a);

(*d*) "minimum pensionable age" means the earliest age at which the person could have become entitled to receive payment of an unreduced pension solely by virtue of his having attained a specified age and completed a specified period of service.

4. Where a person's accrued pension is calculated partly on the scale set out in regulation 9(1) and partly on the scale set out in regulation 66(2), the transfer payment in respect of him shall be the aggregate of—

(i) a transfer payment in respect of his service otherwise than as a practitioner calculated as if he ceased to be an officer at the date on which he ceased to be an officer other than a practitioner, and

(ii) a transfer payment in respect of his service as a practitioner calculated as if he ceased to be an officer at the date on which he ceased to be a practitioner.

(a) 1965 c. 51.

## PART II

### CALCULATION OF SERVICE

5. Subject to the provisions of paragraph 6, where a transfer payment has been made to the Secretary of State, there shall be credited to the officer in respect of whom the payment was made such contributing service as would enable the Secretary of State to make by reference to the officer's age and pensionable pay a transfer payment under regulation 78 equivalent to the amount received.

6. For the purposes of paragraph 5—

(*a*) in the case of an officer who was previously subject to a statutory scheme or to any other scheme which is for the time being treated by the Secretary of State as a statutory scheme for the purposes of this schedule—

(i) the calculation of the contributing service to be credited to the officer is to be made by reference to his age, and to the rate of pensionable pay used in the calculation of the transfer payment; and

(ii) any sum representing the interest included in the transfer payment is to be ignored;

(*b*) in the case of an officer who was previously subject to any other scheme—

(i) the calculation of the contributing service to be credited to him is to be made by reference to his age and remuneration at the annual rate payable in respect of him on the day on which he became an officer or, if the transfer value in respect of him is received by the Secretary of State more than one year after he becomes an officer, on the day on which the transfer value is received, but in the case of a practitioner the annual rate of remuneration shall be the average annual rate of his pensionable pay in respect of the 3 months immediately before his ceasing to be subject to that scheme increased by an annual amount equal to any increase which would have been payable at the date on which the transfer payment was received by the Secretary of State under the Pensions (Increase) Act 1971 on a pension of the same amount as the annual rate of the pensionable pay and beginning on the day following the last day on which he was subject to that scheme had that Act applied to such a pension; and

(ii) the sum received as a transfer payment shall be deemed to be the sum which the Secretary of State determines that he would have received in respect of that officer had the transfer payment been made on the day on which he became an officer;

(*c*) the pension in respect of contributing service mentioned in paragraph 5 shall be deemed—

(i) in the case of a person mentioned in regulation 52(11), to be subject to regulation 52(11); or

(ii) in any other case, to be subject to reduction as provided in regulation 52(3)(*c*); and

(iii) to be subject to regulation 20A of the National Insurance (National Health Service Superannuation Scheme—Modification and Non-participation) Regulations 1965, as amended;

(*d*) where an amount of a person's pay has been disregarded as a consequence of any provision of the National Insurance Act 1965 or the Social Security Act 1973 the pensionable pay shall be increased by such amount;

(*e*) where the pensionable pay by reference to which the transfer payment received by the Secretary of State was calculated relates to a single part-time employment, or to concurrent part-time employments, the transfer payment equivalent to the amount received by the Secretary of State shall be calculated by reference to the remuneration which the Secretary of State considers would have been paid in respect of a single comparable whole-time employment.

## PUBLIC SERVICE TRANSFER VALUES

### TABLE 1—MEN

| (A) Age | (B) Pension Factor | (C) Retiring Allowance Factor | (D) Modification Factor |
|---|---|---|---|
| Under 20 | 5·00 | ·60 | ·25 |
| 20 | 5·05 | ·60 | ·25 |
| 21 | 5·10 | ·61 | ·25 |
| 22 | 5·15 | ·61 | ·30 |
| 23 | 5·20 | ·61 | ·30 |
| 24 | 5·25 | ·62 | ·30 |
| 25 | 5·30 | ·62 | ·35 |
| 26 | 5·35 | ·63 | ·40 |
| 27 | 5·40 | ·63 | ·40 |
| 28 | 5·45 | ·63 | ·45 |
| 29 | 5·50 | ·64 | ·50 |
| 30 | 5·55 | ·64 | ·50 |
| 31 | 5·60 | ·65 | ·55 |
| 32 | 5·65 | ·66 | ·60 |
| 33 | 5·70 | ·66 | ·65 |
| 34 | 5·75 | ·67 | ·70 |
| 35 | 5·80 | ·67 | ·80 |
| 36 | 5·85 | ·68 | ·90 |
| 37 | 5·90 | ·68 | 1·00 |
| 38 | 5·95 | ·68 | 1·10 |
| 39 | 6·00 | ·69 | 1·20 |
| 40 | 6·05 | ·69 | 1·30 |
| 41 | 6·10 | ·70 | 1·40 |
| 42 | 6·15 | ·70 | 1·50 |
| 43 | 6·20 | ·71 | 1·60 |
| 44 | 6·25 | ·72 | 1·70 |
| 45 | 6·30 | ·72 | 1·80 |
| 46 | 6·40 | ·73 | 1·90 |
| 47 | 6·50 | ·74 | 2·00 |
| 48 | 6·60 | ·74 | 2·20 |
| 49 | 6·70 | ·75 | 2·40 |
| 50 | 6·80 | ·75 | 2·60 |
| 51 | 6·90 | ·76 | 2·90 |
| 52 | 7·10 | ·76 | 3·20 |
| 53 | 7·30 | ·77 | 3·50 |
| 54 | 7·50 | ·78 | 3·80 |
| 55 | 7·70 | ·79 | 4·20 |
| 56 | 8·00 | ·80 | 4·60 |
| 57 | 8·30 | ·81 | 5·00 |
| 58 | 8·60 | ·82 | 5·40 |
| 59 | 9·00 | ·84 | 5·80 |
| 60 | 9·50 | ·86 | 6·30 |
| 61 | 9·50 | ·88 | 6·80 |
| 62 | 9·50 | ·91 | 7·40 |
| 63 | 9·50 | ·94 | 8·10 |
| 64 | 9·50 | ·98 | 9·00 |
| 65 | 9·50 | 1·00 | 9·50 |

PUBLIC SERVICE TRANSFER VALUES

TABLE 2—WOMEN

| (A) Age | (B) Pension Factor | (C) Retiring Allowance Factor | (D) Modification Factor |
|---|---|---|---|
| Under 20 | 7·00 | ·60 | ·50 |
| 20 | 7·05 | ·60 | ·50 |
| 21 | 7·10 | ·61 | ·55 |
| 22 | 7·15 | ·61 | ·60 |
| 23 | 7·20 | ·61 | ·65 |
| 24 | 7·25 | ·62 | ·70 |
| 25 | 7·35 | ·62 | ·75 |
| 26 | 7·40 | ·63 | ·80 |
| 27 | 7·45 | ·63 | ·85 |
| 28 | 7·50 | ·63 | ·90 |
| 29 | 7·55 | ·64 | ·95 |
| 30 | 7·65 | ·64 | 1·05 |
| 31 | 7·70 | ·65 | 1·15 |
| 32 | 7·80 | ·66 | 1·25 |
| 33 | 7·90 | ·66 | 1·35 |
| 34 | 7·95 | ·67 | 1·45 |
| 35 | 8·05 | ·67 | 1·55 |
| 36 | 8·15 | ·68 | 1·65 |
| 37 | 8·25 | ·68 | 1·75 |
| 38 | 8·35 | ·68 | 1·85 |
| 39 | 8·45 | ·69 | 1·95 |
| 40 | 8·55 | ·69 | 2·10 |
| 41 | 8·65 | ·70 | 2·25 |
| 42 | 8·75 | ·70 | 2·45 |
| 43 | 8·85 | ·71 | 2·65 |
| 44 | 8·95 | ·72 | 2·90 |
| 45 | 9·05 | ·73 | 3·15 |
| 46 | 9·15 | ·74 | 3·40 |
| 47 | 9·25 | ·75 | 3·70 |
| 48 | 9·35 | ·76 | 4·00 |
| 49 | 9·45 | ·77 | 4·35 |
| 50 | 9·55 | ·78 | 4·75 |
| 51 | 9·65 | ·79 | 5·15 |
| 52 | 9·80 | ·80 | 5·60 |
| 53 | 9·95 | ·81 | 6·10 |
| 54 | 10·10 | ·82 | 6·65 |
| 55 | 10·30 | ·83 | 7·25 |
| 56 | 10·50 | ·84 | 7·95 |
| 57 | 10·75 | ·85 | 8·75 |
| 58 | 11·05 | ·87 | 9·65 |
| 59 | 11·40 | ·89 | 10·65 |
| 60 | 11·75 | ·91 | 11·75 |
| 61 | 11·75 | ·93 | 11·75 |
| 62 | 11·75 | ·95 | 11·75 |
| 63 | 11·75 | ·97 | 11·75 |
| 64 | 11·75 | ·99 | 11·75 |
| 65 | 11·75 | 1·00 | 11·75 |

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations further amend the National Health Service (Superannuation) Regulations 1961 which provide for the superannuation of persons engaged in the National Health Service.

The main changes are—

(*a*) A facility is introduced under which members with expectations of a reduced lump sum retiring allowance on account of widow's or widower's pension cover in respect of service before 25th March 1972 may purchase an unreduced retiring allowance by payment of additional contributions (regulations 3, 22 and schedule 1).

(*b*) Provision is made to enable female members to nominate an incapacitated, dependent husband for a widower's pension (regulation 4).

(*c*) The scheme is amended so that the provisions relating to deferred benefits, qualifying service and forfeiture of rights comply with the requirements of the Social Security Act 1973 (regulations 5, 6 and 7).

(*d*) A new system is introduced for the transfer of pension rights between the National Health Service scheme and other superannuation schemes (regulations 8 to 13, 23, 24 and schedule 3).

(*e*) A facility is introduced to enable married men who elected to retain the terms of certain other schemes instead of joining the main National Health Service scheme to provide higher widow's pension cover by payment of an additional contribution (regulation 14 and schedule 2).

(*f*) Changes are introduced in the rights of officers transferred to the National Health Service, including the extension to part-time transferred officers of the normal arrangements whereby membership of the scheme is subject to an election (regulation 16).

(*g*) Where any payment of remuneration has been withheld in the national interest the benefits of officers who are affected may be calculated as if the payment had not been withheld (regulation 17).

(*h*) Provision is made to increase the amount of death gratuity payable without requiring proof of title from £500 to £1,500 (regulation 18(*g*)).

(*i*) Provision is made to increase certain benefits to which entitlement arose in the period 1st January 1969 to 24th March 1972 (regulation 2).

In accordance with section 12(1) of the Superannuation Act 1972, regulation 16 has retrospective effect as from 1st September 1973; regulation 17 as from 7th November 1973; regulations 8, 9, 10, 12, 13 and 19(1)(*a*)(ii) as from 1st January 1974; regulations 5 (except that part of regulation 5 introducing regulation 8(1)(*a*)(vi) of the principal regulations and regulation 5(2)(*e*)(ii)), 6 and 7 as from 6th April 1975.