STATUTORY INSTRUMENTS

1962 No. 1716 (S. 70)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Superannuation) (Scotland) Amendment Regulations 1962

Laid before Parliament in draft

Made - - - - 1*st August* 1962

Coming into Operation 1*st September* 1962

In exercise of the powers conferred on me by section 66 (1) of the National Health Service (Scotland) Act 1947(a) and of all other powers enabling me in that behalf, I hereby make the following regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation and commencement

1.—(1) These regulations may be cited as the National Health Service (Superannuation) (Scotland) Amendment Regulations 1962.

(2) The National Health Service (Superannuation) (Scotland) Regulations 1961(b) and these regulations may be cited together as the National Health Service (Superannuation) (Scotland) Regulations 1961 and 1962.

(3) These regulations shall come into operation on 1st September 1962.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, "the principal regulations" means the National Health Service (Superannuation) (Scotland) Regulations 1961 and other words and expressions used have the same meanings as in the principal regulations.

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

Superannuation benefits in certain cases of early retirement

3.—(1) Regulation 10 of the principal regulations (which specifies the circumstances in which an officer of an employing authority may become entitled to a pension and retiring allowance) shall be amended as follows:—

(*a*) In sub-paragraph (*a*) of paragraph (1), the word "either" shall be omitted and for the word "and" at the end of the sub-paragraph there shall be substituted the following words—

"or (iii) he has attained the age of fifty-five years and completed ten years' service and the conditions prescribed in paragraph (4) of this regulation are applicable in his case; and"

(*b*) At the end of paragraph (1) (*b*), the following words shall be added "or if he satisfies the conditions of head (iii) of sub-paragraph (*a*) of this paragraph".

(*c*) After paragraph (3) there shall be added the following paragraphs—

(a) 10 & 11 Geo. 6. c. 27. (b) S.I. 1961/1398 (1961 II, p. 2697). (c) 52 & 53 Vict. c. 63.

"(4) For the purposes of paragraph (1) 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 and compensation is payable to him on that account under his contract of service and has been paid in full; or

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

(5) Notwithstanding anything contained in regulation 44 of these regulations, the rights enjoyed by an officer thereunder shall include the right, on ceasing to be employed in the circumstances mentioned in paragraph (1) (*a*) (iii) of this regulation, to receive the benefits to which he would have been entitled on reaching the age and completing the service prescribed by the relevant enactment or scheme in respect of the service reckonable by him immediately before he ceased to hold his employment, unless on ceasing to be employed as aforesaid he is otherwise entitled to a pension under the said regulation 44."

(2) The following regulation shall be inserted after regulation 17 of the principal regulations:—

"*Reduction of benefits on account of compensation payable under a contract of service*

17A. Any benefit payable under these regulations to or in respect of an officer who has retired in the circumstances mentioned in regulation 10 (4) (*a*) shall be reduced in such manner as the Secretary of State may determine to be necessary in order to secure that the aggregate of the benefits so payable is reduced by an amount equivalent to the amount of compensation paid to the officer under his contract of service."

(3) Regulation 18 of the principal regulations (which provides for the payment of transfer value in lieu of benefits in certain circumstances) shall apply to a person who has retired in the circumstances mentioned in regulation 10 (4) of the principal regulations, as set out in paragraph (1) (*c*) of this regulation, and who within the prescribed time limit (as defined in regulation 74 of the principal regulations) enters further employment in the circumstances mentioned in paragraph (*a*) of the said regulation 18 and repays to the Secretary of State any sums paid to him on account of benefit under the principal regulations.

(4) This regulation shall apply to a practitioner who immediately prior to the cessation of his employment devoted substantially the whole of his time to the performance of part-time specialist services under section 3 of the National Health Service (Scotland) Act 1947, but not to any other practitioner.

Scales of benefits in respect of service as a practitioner

4.—(1) Regulation 11 as substituted by regulation 63 of the principal regulations (which specifies the scales of pension and retiring allowance payable to practitioners) shall be amended as follows:—

(*a*) For sub-paragraph (*a*) of paragraph (1) there shall be substituted the following sub-paragraph:—

"(*a*) in respect of any period of contributing service as a practitioner, one and one-half per cent of any remuneration for that period paid to him prior to 1st September 1962 and one and three-quarters per cent of any such remuneration paid to him on or after that date."

(*b*) For sub-paragraph (*a*) of paragraph (2) there shall be substituted the following sub-paragraph:—

"(*a*) in respect of any period of contributing service as a practitioner, four and one-half per cent of any remuneration for that period paid to him prior to 1st September 1962 and five and one-quarter per cent of any such remuneration paid to him on or after that date."

(*c*) In proviso (i) to paragraph (2) after the words "four and one-half per cent" there shall be inserted the words "and one and three-quarters per cent shall be substituted for five and one-quarter per cent."

(*d*) In proviso (iii) to paragraph (2) for the words "in sub-paragraph (*a*) of this paragraph in relation to each year or part of a year of contributing service" there shall be substituted the words "and one and three-quarters per cent shall be substituted for five and one-quarter per cent in sub-paragraph (*a*) of this paragraph in relation to any period of contributing service."

(2) Regulation 11 of the principal regulations (which specifies the scales of pension and retiring allowance payable to officers) shall be amended as follows:—

(*a*) For sub-paragraph (*c*) of paragraph (3) there shall be substituted the following sub-paragraph:—

"(*c*) in respect of any period of contributing service as a practitioner, one and one-half per cent of any remuneration for that period paid to him prior to 1st September 1962 and one and three-quarters per cent of any such remuneration paid to him on or after that date:"

(*b*) For sub-paragraph (*c*) of paragraph (4) there shall be substituted the following sub-paragraph:—

"(*c*) in respect of any period of contributing service as a practitioner, four and one-half per cent of any remuneration for that period paid to him prior to 1st September 1962 and five and one-quarter per cent of any such remuneration paid to him on or after that date:"

(*c*) In proviso (i) to paragraph (4) after the words "four and one-half per cent" there shall be inserted the words "and one and three-quarters per cent shall be substituted for five and one-quarter per cent."

(*d*) In proviso (iii) to paragraph (4) for the words "in sub-paragraph (*c*) hereof in relation to each year or part of a year of contributing service" there shall be substituted the words "and one and three-quarters per cent shall be substituted for five and one-quarter per cent in sub-paragraph (*c*) hereof in relation to any period of contributing service."

(3) In proviso (ii) to regulation 15 of the principal regulations (which provides for the payment of death gratuities) for paragraph (iii) there shall be substituted the following paragraph:—

"(iii) in respect of any period of contributing service as a practitioner, four and one-half per cent of any remuneration for that period paid to him prior to 1st September 1962 and five and one-quarter per cent of any such remuneration paid to him on or after that date, or if a widow's pension is payable as aforesaid, one and one-half per cent shall be substituted for four and one-half per cent and one and three-quarters per cent for five and one-quarter per cent:"

(4) In proviso (i) to regulation 45 (3) of the principal regulations (which provides for the increase of benefits payable to certain officers who have not elected to retain rights corresponding with those previously enjoyed) after the words "one and one-half per cent" where they appear for the first time there shall be inserted the words "or, as the case may be, one and three-quarters per cent".

(5) For sub-paragraph (*a*) of regulation 64 (1) of the principal regulations (which specifies the rate of certain gratuities payable to practitioners) there shall be substituted the following sub-paragraph:—

"(*a*) in respect of any period of contributing service as a practitioner, four and one-half per cent of any remuneration for that period paid to him prior to 1st September 1962 and five and one-quarter per cent of any such remuneration paid to him on or after that date, or if a widow's pension is payable under these regulations in respect of his death, one and one-half per cent shall be substituted for four and one-half per cent and one and three-quarters per cent for five and one-quarter per cent;"

Michael Noble,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh

1st August 1962

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These regulations amend the National Health Service (Superannuation) (Scotland) Regulations 1961 by providing for the payment of superannuation benefits to persons retiring from the National Health Service on grounds of redundancy or in the interests of the efficiency of the service if they have completed 10 years' service, are at least 55 years old and are not already entitled to benefit at that age. If a person retires in these circumstances and enters further employment in which his National Health Service employment could count for pension purposes, the benefits under these regulations may be surrendered and a transfer value paid to the new employer. The benefits payable where the retirement is on the grounds of redundancy are reduced by the amount of compensation paid in respect of the loss of employment.

The regulations also increase the rates of pension and lump sum benefits payable to practitioners. In respect of remuneration paid on or after 1st September 1962 the pension will be at the rate of $1\frac{3}{4}$ per cent of total remuneration instead of $1\frac{1}{2}$ per cent and the lump sum benefits at the rate of $1\frac{3}{4}$ per cent or $5\frac{1}{4}$ per cent instead of $1\frac{1}{2}$ per cent or $4\frac{1}{2}$ per cent respectively of total remuneration.