STATUTORY INSTRUMENTS

1963 No. 2004

NATIONAL INSURANCE

The National Insurance (Modification of National Health Service Superannuation Scheme) Regulations 1963

Made - - - -	10*th December* 1963
Laid before Parliament	17*th December* 1963
Coming into Operation	6*th January* 1964

Whereas the Treasury has determined under section 69(4) of the National Insurance Act 1946(a) that the Minister of Health is the appropriate Minister to make regulations under that subsection 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);

Now, therefore, the Minister of Health, in exercise of the powers conferred on him by the said section 69(4), as extended by section 15 of the National Insurance Act 1959(c), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and Commencement

1. These regulations may be cited as the National Insurance (Modification of National Health Service Superannuation Scheme) Regulations 1963 and shall come into operation on 6th January 1964.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

" the Regulations of 1961 " means the National Insurance (Modification of National Health Service Superannuation Scheme) Regulations 1961(d);

" the Modification and Non-participation Regulations of 1961 " means the National Insurance (National Health Service Superannuation Scheme—Modification and Non-participation) Regulations 1961(e);

and other words and expressions have the same meaning as in the Modification and Non-participation Regulations of 1961.

(2) References in these regulations to the provisions of any enactment or regulation shall, unless the context otherwise requires, be construed as references to those provisions as amended, modified, extended, applied or re-enacted by any subsequent enactment, scheme or regulation, including these regulations.

(3) The Interpretation Act 1889(f) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 67. (b) 9 & 10 Geo. 6. c. 81. (c) 7 & 8 Eliz. 2. c. 47.
(d) S.I. 1961/194 (1961 I, p. 304). (e) S.I. 1961/525 (1961 I, p. 1181). (f) 52 & 53 Vict. c. 63.

Amendment of the Regulations of 1961

3. The Regulations of 1961 shall be amended as follows:—

(*a*) In regulation 3(1) (which limits the extent to which pensions can be reduced) after the word "payable" where it first appears there shall be inserted the words "in respect of any period of service", and for the words from "such amount as would be equal" to the end of the paragraph there shall be substituted the words "the minimum rate of equivalent pension benefits applicable in respect of that period under the provisions of Part II of the Act of 1959".

(*b*) For the proviso to regulation 4(2) (which specifies the lowest rate of benefits which in certain cases may become payable at insured pensionable age) there shall be substituted the following proviso—

"Provided that an annual pension so payable in respect of any period of service shall not be less than the minimum rate of equivalent pension benefits applicable in respect of that period under the provisions of Part II of the Act of 1959; and for this purpose "service" has the same meaning as in regulation 3(2) of these regulations".

Amendment of the Modification and Non-participation Regulations of 1961

4. The Modification and Non-participation Regulations of 1961 shall be amended as follows:—

(*a*) For paragraph (*a*) of regulation 4 (which provides for the reduction of superannuation contributions) there shall be substituted the following paragraph—

"(*a*) a rate equivalent to one per cent. of so much of his remuneration, ascertained in accordance with the principal regulations, as does not exceed the maximum annual amount on which, for the time being, graduated contributions can be paid for one employment under section 1(1)(*b*) of the Act of 1959, or".

(*b*) In regulation 11(2) (which relates to the reduction of additional contributory payments), in regulation 12(3) (which relates to the reduction of transfer values) and in regulation 15(1)(*a*) and (*b*) (which relate to the reduction of pensions), in respect of any period after 5th January 1964, for the references to an amount of remuneration not exceeding seven hundred and eighty pounds per annum there shall be substituted references to an amount not exceeding the maximum annual amount on which during the period in question graduated contributions were payable for one employment under section 1(1)(*b*) of the Act of 1959.

(*c*) In regulation 15(1)(*c*) (which relates to the reduction of practitioners' pensions), in respect of any year ending on or after 31st March 1965 or part of such year, for the reference to seven hundred and eighty pounds per annum there shall be substituted a reference to the maximum annual amount on which on 1st April in that year graduated contributions were payable for one employment under section 1(1)(*b*) of the Act of 1959.

(*d*) The amount of retiring remuneration to be ascertained in accordance with regulation 15(2) (which relates to the reduction of pensions of officers ceasing to be employed in non-participating employment) in respect of any period after 5th January 1964 shall be ascertained by

reference to the certificate under section 7 of the Act of 1959 in force during that period.

Given under the official seal of the Minister of Health on 10th December 1963.

(L.S.) *Anthony Barber,*
Minister of Health.

EXPLANATORY NOTE

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

These regulations amend the National Insurance (Modification of National Health Service Superannuation Scheme) Regulations 1961 and the National Insurance (National Health Service Superannuation Scheme—Modification and Non-participation) Regulations 1961 in consequence of the increase by the National Insurance Act 1963 of the maximum earnings on which graduated contributions are payable and of the rate of equivalent pension benefits to be provided by an occupational pension scheme as a condition of contracting out. The regulations come into force on 6th January 1964, when the increased rate of equivalent pension benefits takes effect.