STATUTORY INSTRUMENTS

1969 No. 1293

PENSIONS

The Pensions Increase (Federated Superannuation Scheme for Nurses and Hospital Officers) (Civil Service) Regulations 1969

Made - - -	12*th September* 1969
Laid before Parliament	22*nd September* 1969
Coming into Operation	23*rd September* 1969

The Minister for the Civil Service, in exercise of the powers conferred upon him by section 3(2)(*a*)(i) and (4) of the Pensions (Increase) Act 1965(**a**), as extended by section 1(4) of, and paragraph 10 of Schedule 2 to, the Pensions (Increase) Act 1969(**b**), and by article 2(1)(*c*) of the Minister for the Civil Service Order 1968(**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 Pensions Increase (Federated Superannuation Scheme for Nurses and Hospital Officers) (Civil Service) Regulations 1969, and shall come into operation on 23rd September 1969.

Interpretation

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

"the Act of 1962" means the Pensions (Increase) Act 1962(**d**) ;

"the Act of 1965" means the Pensions (Increase) Act 1965 ;

"the Act of 1969" means the Pensions (Increase) Act 1969 ;

"average remuneration", in relation to any person, means the average annual amount of the salary and emoluments of his office during the last three years of his reckonable service ;

"dependant", in relation to a woman, means a person who is to the satisfaction of the Minister for the Civil Service wholly or mainly supported by that woman and who either has not attained the age of 16 years or is receiving instruction or undergoing training as referred to in section 1(5) of the Pensions (Increase) Act 1959(**e**) (as applied by section 1(3) of the Act of 1962, section 1(2) of the Act of 1965 and paragraph 4 of Schedule 2 to the Act of 1969) ;

(**a**) 1965 c. 78. (**b**) 1969 c. 7. (**c**) S.I. 1968/1656 (1968 III, p. 4485).
(**d**) 1962 c. 2 (11 & 12 Eliz. 2). (**e**) 1959 c. 50.

"an F.S.S.N. scheme" means a superannuation scheme operated under the Federated Superannuation Scheme for Nurses and Hospital Officers ;

"notional pension", in relation to any person, has the meaning assigned to it by Regulation 5 of these Regulations ;

"reckonable service", in relation to any person, has the meaning assigned to it by the schedule to these Regulations ;

"statutory pension increases" means the benefits conferred by—

(i) section 1 of the Pensions (Increase) Act 1952(**a**) ;

(ii) section 1 of the Pensions (Increase) Act 1956(**b**) ;

(iii) section 1 of the Pensions (Increase) Act 1959 ;

(iv) sections 1 and 2 of the Act of 1962 ;

(v) section 1 of the Act of 1965 ; and

(vi) section 1 of the Act of 1969,

on persons whose superannuation benefits are regulated under the Superannuation Act 1965(**c**), and "the 1969 pension increase" means the benefits conferred on such persons by section 1 of the Act of 1969.

(2) The Interpretation Act 1889(**d**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) Any reference in these Regulations to the provisions of any enactment or regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment or regulation.

Effect of these Regulations

3. These Regulations shall apply for the payment to persons described in Regulation 4 hereof of the allowances described in Regulation 6, being allowances which appear to the Minister for the Civil Service to be appropriate having regard to the statutory pension increases.

Persons to whom the Regulations apply

4.—(1) These Regulations shall apply to any person who—

(*a*) either—

(i) has retired from the civil service of the State after attaining the age of sixty years ; or

(ii) having retired from the civil service of the State not earlier than 14th July 1949 after attaining the age of fifty years, either has attained the age of sixty years, or satisfies the Minister for the Civil Service that he has become disabled by physical or mental infirmity or permanently incapacitated by such infirmity from engaging in any regular full-time employment ; or

(iii) has retired from the civil service of the State on account of physical or mental infirmity ; or

(iv) has retired from the civil service of the State and is a woman who has at least one dependant ; and

(**a**) 1952 c. 45. (**b**) 1956 c. 39. (**c**) 1965 c. 74. (**d**) 1889 c. 63.

(*b*) at the date of his retirement is subject to an F.S.S.N. scheme and has completed 10 years' reckonable service ; and

(*c*) has received or become entitled to receive payment of any retirement benefit under such scheme.

(2) Notwithstanding the provisions of paragraph (1)(*a*)(ii), these Regulations shall not apply to any person who, having retired as therein mentioned, within 12 months of so retiring entered any of the employments described in paragraph 2 of the schedule to these Regulations.

(3) For the purposes of paragraph (1), a person who was entitled to receive, and received, payment of any retirement benefit under a superannuation scheme within 12 months of attaining the age of sixty years shall be deemed to have attained that age.

Notional pension

5.—(1) There shall be ascribed to each person to whom these Regulations apply a notional pension calculated by multiplying one eightieth of his average remuneration by the number of completed years of reckonable service.

(2) In calculating a notional pension any fraction of a pound shall be treated as a whole pound.

Payments of benefits equivalent to statutory pension increases

6. The Minister for the Civil Service may—

(*a*) in respect of any period beginning on or after 1st July 1966, pay to any person to whom these Regulations apply an allowance equal to the statutory pension increases, other than the 1969 pension increase, which would have been payable to him if he had been eligible under the Superannuation Act 1965 for a pension, beginning on the day after the last day of his reckonable service, of the same amount as his notional pension, and

(*b*) in respect of any period beginning on or after 1st April 1969, pay to any such person as aforesaid an allowance equal to the 1969 pension increase which would have been payable to him if he had been eligible as aforesaid.

Given under the official seal of the Minister for the Civil Service on 12th September 1969.

(L.S.)

J. E. Herbecq,
Authorised by the Minister
for the Civil Service.

Regulation 2(1)

SCHEDULE

Meaning of reckonable service

1. Subject to the provisions of this schedule, a person's reckonable service shall be a period equivalent to the aggregate of any periods of employment which—

(*a*) have been spent in any employment described in paragraph 2 of this schedule and

(*b*) have become reckonable under an F.S.S.N. scheme as described in paragraph 3 of this schedule.

2. The employments to which paragraph 1 of this schedule relates are—

(i) employment in the civil service of the State;

(ii) employment under an authority which was, or was deemed to be, an employing authority for the purposes of the National Health Service (Superannuation) Regulations 1961(**a**) or the National Health Service (Superannuation) (Scotland) Regulations 1961(**b**);

(iii) employment in which the person was subject to any regulations or scheme made under section 2 of the Local Government (Superannuation) Act (Northern Ireland) 1950(**c**), section 61 of the Health Services Act (Northern Ireland) 1948(**d**) or section 54 of the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald);

(iv) employment under an employing authority or a local Act authority within the meaning of section 1(3) of the Local Government Superannuation Act 1937(**e**) or section 1(6) of the Local Government Superannuation (Scotland) Act 1937(**f**);

(v) employment by a county or district nursing association during any period when a local health authority had arrangements with, or paid contributions to, that association under Part III of the National Health Service Act 1946(**g**) or Part III of the National Health Service (Scotland) Act 1947(**h**).

3. For the purposes of paragraph 1 of this schedule a period of employment shall be deemed to have become reckonable under an F.S.S.N. scheme if—

(*a*) during such period the person was subject to an F.S.S.N. scheme and the contributions authorised or required to be paid by the employer were duly paid, or

(*b*) such period was taken into account in calculating a sum in the nature of a transfer value paid to that scheme under the National Health Service (Superannuation) Regulations 1961 or any corresponding provision in force in Scotland, Northern Ireland or the Isle of Man or under rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(**i**).

Provided that—

(i) so much of any period referred to in sub-paragraph (*b*) as consisted of non-contributing service shall be reckonable under this paragraph at half its actual length, and

(ii) so much of any such period as consisted of part-time service shall be reckonable under this paragraph as though it were whole-time service for a proportionately reduced period.

(**a**) S.I. 1961/1441 (1961 II, p. 2824). (**b**) S.I. 1961/1398 (1961 II, p. 2697).
(**c**) 1950 c. 10 (N.I.). (**d**) 1948 c. 3 (N.I.). (**e**) 1937 c. 68. (**f**) 1937 c. 69.
(**g**) 1946 c. 81 (**h**) 1947 c. 27. (**i**) 1948 c. 33.

4. For the purposes of regulation 4(1)(*b*) of these regulations, there may be added to the service described in paragraph 1 of this schedule:

(*a*) any service which, during such a period of employment as is defined in paragraph 3(*b*) of this schedule, the person was entitled to reckon for the purpose of determining whether he was eligible to receive a pension but not for calculating the amount thereof; and

(*b*) any period of employment by a county or district nursing association during which a local authority had arrangements with that association under section 1 of the Midwives Act 1936(**a**) or section 1 of the Maternity Services (Scotland) Act 1937(**b**).

5. For the purposes of paragraph 3(*a*) of this schedule no account shall be taken of any period of employment preceding a break of 12 months or more during which the person was not in employment described in paragraph 2 hereof.

EXPLANATORY NOTE

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

Certain persons retired from the Civil Service receive superannuation benefits through a scheme operated under the Federated Superannuation Scheme for Nurses and Hospital Officers (F.S.S.N.), such benefits being lump sums, or annuities, or both, provided by means of insurance policies

These regulations provide for the payment of allowances corresponding to the increases for which the persons concerned would have been eligible under the Pensions (Increase) Acts 1952, 1956, 1959, 1962, 1965 and 1969 had they been pensionable in the normal way under the Superannuation Acts.

The conditions of entitlement (prescribed in regulation 3) combine, with necessary modifications, those for a pension under the Superannuation Act 1965 and those for increases under the Pensions (Increase) Acts.

The allowances are payable in respect of any period beginning on or after 1st July 1966, or, in the case of those under the Pensions (Increase) Act 1969 on or after 1st April 1969; they will be calculated on a notional pension (defined in regulation 5) corresponding broadly to the pension a person would have received if he had been subject to the Superannuation Act 1965 and entitled to reckon under the Act his service during which he was subject to an F.S.S.N scheme.

Retrospective payment of the allowances under the 1952 to 1965 Acts is authorised by section 3(4) of the 1965 Act; and of those under the 1969 Act by that section and paragraph 10 of Schedule 2 to that Act.

(**a**) 1936 c. 40. (**b**) 1937 c. 30.