STATUTORY INSTRUMENTS

1974 No. 189

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service Reorganisation (Retirement of Senior Officers) Regulations 1974

Made - - - -	8*th February* 1974
Laid before Parliament	8*th February* 1974
Coming into Operation	13*th March* 1974

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Title and commencement.
2. Interpretation.

PART II

ENTITLEMENT TO BENEFIT

3. Persons to whom the regulations apply.
4. Conditions for entitlement.

PART III

BENEFITS UNDER THE REGULATIONS

5. Factors governing payment of benefits.
6. Benefits payable to widow or dependants.
7. Benefits where death gratuity or grant would have been payable.
8. Persons subject to policy schemes.

PART IV

ADJUSTMENT OF BENEFITS

9. Benefits payable under relevant superannuation scheme.
10. Further employment.

PART V

MISCELLANEOUS

11. Supply of information.
12. Procedure for payment of benefits.

SCHEDULES

SCHEDULE 1. Officers to whom the regulations apply.

SCHEDULE 2. Acceptance of other employment.

The Secretary of State for Social Services in exercise of the powers conferred upon him by section 44 of the National Health Service Reorganisation Act 1973(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

PRELIMINARY

Title and commencement

1. These regulations may be cited as the National Health Service Reorganisation (Retirement of Senior Officers) Regulations 1974 and shall come into operation on 13th March 1974.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"the Act" means the National Health Service Reorganisation Act 1973;

"accrued pension", in relation to an entitled person, means—

(*a*) if his relevant superannuation scheme provided benefits in which he had a right to participate, the pension to which he would have become entitled under that scheme in respect of every employment which he ceases to hold on the day immediately before the payment date according to the method of calculation (modified where necessary for the purpose of giving effect to these regulations) prescribed by that scheme if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age and complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any payments in respect of added years which he was in the course of making; and

(*b*) in any other case, such portion of the pension (if any) of which he had reasonable expectations as the Secretary of State considers equitable;

"accrued retiring allowance", in relation to an entitled person, means—

(*a*) if his relevant superannuation scheme provided benefits in which he had a right to participate, any lump sum payment to which he would have become entitled under that scheme in respect of every employment which he ceases to hold on the day immediately before the payment date according to the method of calculation (modified where necessary for the purpose of giving effect to these regulations) prescribed by that scheme if, at the date on which he ceased to be subject to that scheme, he had attained normal retiring age and complied with any requirement of that scheme as to a minimum period of qualifying service or contribution and completed any payments in respect of added years which he was in the course of making; and

(*b*) in any other case, such portion of the lump sum payment (if any) of which he had reasonable expectations as the Secretary of State considers equitable;

(a) 1973 c. 32.

"added years", in relation to an entitled person, means any additional years of service reckonable by him in his employment immediately prior to its termination, under arrangements entered into before the coming into operation of these regulations in accordance with any provisions of the relevant superannuation scheme for the purchase of additional years partly at the expense of the employer and partly at the expense of the employee;

"employing authority", in relation to a person to whom these regulations apply, means the appropriate authority specified in column 1 of schedule 1, or the authority to whose employment the person has been transferred by an order of transfer;

"enactment" means any Act or any instrument made under an Act;

"entitled person" has the meaning assigned to it by regulation 4;

"normal retiring age" means—

(*a*) where, on 31st March 1974 or on the date of termination ascertained in accordance with regulation 5(6), an age of compulsory retirement applies or applied to any person by virtue of the relevant superannuation scheme or of the conditions of his employment, that age of compulsory retirement; and

(*b*) in any other case, the age of sixty-five in the case of a man and sixty in the case of a woman;

"notice of election" means a notice which complies with the provisions of regulation 3(2)(*c*);

"order of transfer", in relation to a person to whom these regulations apply, means an order made under section 18 of the Act which contains a provision as to the transfer of that person;

"payment date", in relation to an entitled person, means the date on which the sums or payments specified in regulation 5(1) or 8(2) and (3) become payable in accordance with the provisions of regulation 5(7) or 8(4) and (5);

"pension scheme", in relation to an entitled person, means any form of arrangement associated with his employment for the payment of superannuation benefits, whether subsisting by virtue of enactment, trust, contract or otherwise;

"reckonable service", in relation to an entitled person, means service in respect of which benefits are payable under the relevant superannuation scheme;

"relevant superannuation scheme", in relation to an entitled person, means the instrument which is applicable in the case of his employment and which makes provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of certain requirements and conditions, are to be, or may be, paid to or in respect of persons in that employment;

"Secretary of State" means Secretary of State for Social Services;

"scheme authority", in relation to any person, means the authority administering the superannuation scheme, fund or account.

(2) The holder of any office, appointment, place, situation or employment shall, for the purposes of these regulations, be regarded as an officer employed in that office, appointment, place, situation or employment and the expressions "officer" and "employment" shall be construed accordingly.

(3) In these regulations, unless the context otherwise requires, references to any enactment shall be construed as references thereto as amended, re-enacted, applied or modified by any subsequent enactment.

(4) References in these regulations to a numbered regulation or schedule shall be construed as references to the regulation or schedule bearing that number in these regulations.

(5) References in any regulation of these regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified regulation, be construed as references to the paragraph bearing that number in the first mentioned regulation.

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

PART II

ENTITLEMENT TO BENEFIT

Persons to whom the regulations apply

3.—(1) These regulations shall apply to any person who—

(*a*) immediately before the commencement of these regulations is or was employed by an employing authority specified in column 1 of schedule 1 as an officer specified in column 2 of the said schedule and whose employment as such officer was or, but for the reorganisation effected by the Act, would have been permanent, and

(*b*) fulfils each of the conditions specified in paragraph (2).

(2) The conditions referred to in paragraph (1) are that—

(*a*) on or before 31st March 1974—

(i) he attains or has attained the age of fifty; and

(ii) he has or had five years' reckonable service to his credit;

(*b*) he is a person to whom an order of transfer will apply or has applied;

(*c*) he has, by notice given in writing to his employing authority, or to each employing authority where he is in more than one employment, on or before 31st January 1975, elected that section 44 of the Act (which provides for early retirement in lieu of compensation for loss of office) shall apply to him; and

(*d*) notice of objection in writing to the election under sub-paragraph (*c*) is not given to him by his employing authority, or any one of them where he is in more than one employment, before 1st January 1975, or within one month of receipt by the employing authority of the notice under sub-paragraph (*c*), whichever is the later, so, however, that such notice of objection shall not be given by an employing authority after a date of termination has been agreed as provided in regulation 5(6).

(3) Any notice of election shall have effect only for the purposes of these regulations and shall not otherwise have any legal consequences as respects the entitled person or his employing authority or authorities.

(a) 1889 c. 63.

Conditions for entitlement

4. A person to whom these regulations apply shall be entitled to benefits under these regulations (and compensation on his retirement shall not be payable to or in respect of him in pursuance of section 24 of the Superannuation Act 1972**(a)** (which among other things relates to compensation for loss of office)) if—

(*a*) on or before the payment date he gives to the Secretary of State an undertaking that an amount equal to any sum received by him by way of return of superannuation contributions (including interest) after termination of the employment in consequence of the notice of election will immediately be paid—

(i) to the scheme authority, if the provisions of his relevant superannuation scheme enable him to be credited with benefit attributable to such sum; or

(ii) to the Secretary of State, if the provisions of his relevant superannuation scheme do not enable him to be credited with benefit attributable to such sum;

(*b*) he has not, on the date of termination ascertained in accordance with regulation 5(6), attained normal retiring age;

(*c*) subject to paragraph 2 of schedule 2, he has not, before the date which would otherwise be the payment date, accepted an offer of an employment in an office described in paragraph 1 of schedule 2; and

(*d*) he is alive on the payment date;

and the expression "entitled person" shall be construed accordingly.

PART III

BENEFITS UNDER THE REGULATIONS

Factors governing payment of benefits

5.—(1) Subject to the provisions of these regulations, an entitled person shall be entitled, with effect from the payment date, to receive from the Secretary of State—

(*a*) an annual sum equal to the amount of his accrued pension; and

(*b*) a lump sum equal to the amount of his accrued retiring allowance,

such pension and allowance being adjusted in accordance with paragraphs (2) to (5), (8) and (9).

(2) For the purpose of calculating the amount of an accrued pension and the amount of an accrued retiring allowance as described in paragraph (1), the actual period of reckonable service shall be increased by whichever is the shortest of the following periods—

(*a*) a period beginning on the day immediately following the date of termination of his employment in consequence of the notice of election and ending on the date on which he would attain the normal retiring age; or

(a) 1972 c. 11.

(*b*) a period equivalent to his reckonable service exclusive of any additional years of service reckonable in accordance with any provision of the relevant superannuation scheme for the purchase of additional years wholly at the expense of the officer; or

(*c*) a period of fifteen years:

Provided that such pension and allowance shall not exceed any maximum pension and allowance prescribed by the relevant superannuation scheme.

(3) The benefit in respect of the additional period of service shall be calculated at the same rate as is applicable for service rendered on the last day of the employment terminated in consequence of the notice of election, except that, where the relevant superannuation scheme provides benefits at an enhanced rate in consequence of the nature of an officer's duties, the additional period of service shall be treated as if it were a period during which he was not engaged on such duties.

(4) The period so added shall be aggregated with any period of reckonable service entailing reduction of the relevant pension or retiring allowance as a consequence of the provisions of section 30 of the National Insurance Act 1965(a) (which provides for flat-rate retirement pension by virtue of own insurance).

(5) In calculating the amount of the annual sum which is equal to the accrued pension of an entitled person, no account shall be taken of any reduction falling to be made in that pension by reason of the provisions of any Act relating to National Insurance until the person reaches the age at which under his relevant superannuation scheme the pension would have been so reduced.

(6) Every employment in relation to which an entitled person is subject to the relevant superannuation scheme shall terminate on such date in the period beginning on 1st April 1974 and ending on 31st March 1975 as may be agreed between the person and his employing authority or authorities.

(7) The sums described in paragraph (1) shall be payable with effect from the day immediately following the date of termination ascertained in accordance with paragraph (6).

(8) If, under his relevant superannuation scheme, an entitled person surrenders a proportion of his pension in favour of his spouse or any other dependant, he may surrender a proportion of the annual sum which is payable to him under these regulations after any reduction under regulation 9(2) on the like terms and conditions and in consideration of the like payments by the Secretary of State as if the said annual sum were a pension to which he had become entitled under the relevant superannuation scheme.

(9) If the amount of any benefit to which an entitled person is or might become entitled under his relevant superannuation scheme is or might be supplemented at the discretion of the Secretary of State, he may supplement in like manner any benefit payable to the entitled person under these regulations.

Benefits payable to widow or dependants

6.—(1) Where an entitled person dies on or after the payment date, payments in accordance with this regulation shall be made by the Secretary of State to or for the benefit of the widow, child or other dependant or to the personal representatives of the entitled person or, as the case may be, to trustees empowered by him to stand possessed of any benefit under the relevant superannuation scheme.

(a) 1965 c. 51.

(2) If the widow, child or other dependant of an entitled person mentioned in paragraph (1) has become, or, but for termination of that person's employment in consequence of the notice of election would have been, entitled to a pension under the relevant superannuation scheme, the widow, child or other dependant, as the case may be, shall be entitled to receive—

(*a*) where the scheme provides for a prescribed proportion, benefits calculated on the same basis as the method prescribed by the scheme as if the benefits under regulation 5(1)(*a*) payable to the entitled person immediately before his death were a pension payable under the scheme; or

(*b*) where the scheme does not provide for a prescribed proportion, an annual sum as is provided by paragraph (3).

(3) The sum mentioned in paragraph (2)(*b*) shall, subject to the provisions of paragraph (4), be an annual sum equal to the annual amount of the pension to which the widow, child or other dependant of the entitled person would have become entitled if the entitled person had died immediately before termination of his employment in consequence of the notice of election, having then complied with any requirements of the relevant superannuation scheme as to a minimum period of qualifying service or contribution and completed any payments in respect of added years which he was then in the course of making.

(4) The calculation referred to in paragraph (3) shall be made on the basis of the method prescribed by the relevant superannuation scheme for the calculation of benefits for a widow, child or other dependant and insofar as the age at which the entitled person died is relevant for the purposes of the said calculation, the calculation shall be made by reference to his age at the date of death.

(5) Benefits payable to or for the benefit of a widow, child or other dependant under this regulation shall cease to be payable when a corresponding pension under the relevant superannuation scheme would have ceased to be payable; and where that scheme provides for payment of the pension to any person on behalf of a child or other dependant, benefits payable under this regulation to a child or other dependant shall be paid to that person on behalf of the child or dependant in the like manner and for the like period as is provided in that scheme.

(6) In this regulation "prescribed proportion" means the proportion which, by the provisions contained in the relevant superannuation scheme, the pension payable to the entitled person's widow, child or other dependant is to bear to the entitled person's pension.

Benefits where death gratuity or grant would have been payable

7.—(1) If the widow, the personal representatives of an entitled person or trustees empowered by him to stand possessed of any benefit under his relevant superannuation scheme, might have become entitled to a death gratuity or grant under that scheme, she or they, as the case may be, shall be entitled to receive from the Secretary of State a sum calculated in accordance with paragraph (2).

(2) The sum referred to in paragraph (1) shall be ascertained in accordance with the method of calculation prescribed by the relevant superannuation scheme for the ascertainment of death gratuity or grant as if the entitled person had died immediately before termination of his employment in consequence of the notice of election, subject to the following modifications—

(*a*) account shall be taken of any additional period of service credited to him under regulation 5(2) to the extent of the period between the termination of employment in consequence of the notice of election, and the entitled person's death;

(*b*) if the aggregate of reckonable service and the additional period of service specified in sub-paragraph (*a*) is less than any period of qualifying service prescribed by the relevant superannuation scheme for the receipt of a death gratuity or grant, the said sum shall not exceed the proportion of the death gratuity or grant calculated as aforesaid which the aggregate of service bears to the minimum period of qualifying service or period prescribed by that scheme; and

(*c*) there shall be deducted from the sum described above the amount of any benefits paid to the person under these regulations, or where any part of such benefit has been surrendered under regulation 5(8), the amount which would have been so paid but for such a surrender.

(3) For the purpose of calculating a death gratuity or grant under this regulation, any benefit payable under regulation 6(2)(*a*) to or for the benefit of the widow, child or other dependant shall be deemed to be a pension payable to or for the benefit of the widow, child or dependant, as the case may be.

Persons subject to policy schemes

8.—(1) Regulations 5(1) to (5), (7) and (8), 6, 7 and 9 shall not apply to an entitled person (in this regulation referred to as a "policy scheme optant") whose relevant superannuation scheme provides superannuation benefits by means of contracts or policies of insurance.

(2) Subject to the provisions of these regulations, a policy scheme optant shall be entitled to receive from the Secretary of State an annual sum of such amount which the Secretary of State, after taking into account the views of the scheme authority, considers to be the annual value of the benefits of the policies and accumulated investments held under the scheme on behalf of the optant, and for this purpose—

(*a*) such policies and investments shall be deemed to have been held under the scheme until the date on which the optant attains normal retiring age; and

(*b*) contributions shall be deemed to have been paid to the scheme until the date mentioned in paragraph (7) at the rate at which they were being paid immediately before the date of termination ascertained in accordance with regulation 5(6); and

(*c*) the optant shall be deemed to have attained normal retiring age:

Provided that such annual sum shall not exceed 75 per cent. of the amount which would have been the policy scheme optant's average remuneration if calculated as provided in regulation 34(1) of the National Health Service (Superannuation) Regulations 1961(**a**), as amended (**b**).

(**a**) S.I. 1961/1441 (1961 II, p. 2824).

(**b**) The relevant amending instruments are S.I. 1966/1523, 1972/1537, 1973/242 (1966 III, p. 4309; 1972 III, p. 4512; 1973 I, p. 898).

(3) The Secretary of State shall, if the relevant superannuation scheme so permits, make payments to the scheme in respect of the policy scheme optant at a rate not exceeding the rate at which contributions or premiums in respect of him were or would have been payable to the scheme in relation to his remuneration immediately before the payment date.

(4) The annual sum described in paragraph (2) shall be payable with effect from the day immediately following the date of termination ascertained in accordance with regulation 5(6) and shall cease to be payable when the policy scheme optant attains normal retiring age, except that where the policy scheme does not permit payments to be made under paragraph (3), the Secretary of State may continue to pay such annual sum or such portion thereof as he thinks fit.

(5) The payment described in paragraph (3) shall be payable with effect from the day immediately following the date of termination ascertained in accordance with regulation 5(6) and shall cease to be payable either on the date mentioned in paragraph (7) or when the policy scheme optant receives a benefit under the relevant superannuation scheme, whichever is the earlier.

(6) If a policy scheme optant receives a benefit under the relevant superannuation scheme while an annual sum described in paragraph (2) is payable to him, such sum shall be reduced by such amount which the Secretary of State, after taking into account the views of the scheme authority, considers to be the annual value of that benefit, the reduction being made with effect from the date on which the optant receives that benefit.

(7) The reference in paragraphs (2)(b) and (5) to the date mentioned in this paragraph is a reference to whichever is the earlier of the following dates—

(*a*) the date on which the policy scheme optant attains normal retiring age; or

(*b*) the date of the end of a period, beginning on the day after the date of termination ascertained in accordance with regulation 5(6)—

(i) equivalent to the length of the period or periods of contribution under the relevant superannuation scheme before such termination, excluding any period in respect of which contributions have not been paid to the scheme by an employer or an employing authority; or

(ii) of fifteen years.

PART IV

ADJUSTMENT OF BENEFITS

Benefits payable under relevant superannuation scheme

9.—(1) Any benefit payable under these regulations to or in respect of an entitled person shall be reduced, in accordance with paragraphs (2) to (4), to take account of any benefits payable to or in respect of him under the relevant superannuation scheme.

(2) The benefit payable under these regulations to or in respect of an entitled person which relates to his reckonable service before any addition is made under the provisions of regulation 5(2) shall be reduced by amounts equivalent to any benefits payable under the scheme which relate to the same service.

(3) The benefit payable under these regulations to or in respect of an entitled person which relates to the additional period of service reckonable by virtue of regulation 5(2) shall be reduced by an amount not exceeding the amount of any further benefits payable under the scheme to or in respect of that person which are attributable to any service rendered after termination of the employment in consequence of the notice of election.

(4) For the purposes of this regulation—

(*a*) no account shall be taken of any sum payable in consequence of the surrender by an entitled person of part of his benefits under any provision in that behalf in the scheme with a view to obtaining or increasing allowances for his widow, child or other dependant; and the entitled person shall be deemed to have received during any period the amount of benefits which he would have received but for the surrender;

(*b*) if the benefits payable under the scheme described in paragraphs (2) and (3) are transferred at the request of that person to another pension scheme by means of a transfer value, the reductions described in those paragraphs shall apply as if those benefits were payable with effect from the date on which they would otherwise have become payable.

Further employment

10. If under the relevant superannuation scheme of an entitled person any benefit for which the scheme provided would have been subject to reduction or suspension on his taking up other specified employment, the benefit payable under these regulations shall, where that employment is taken up, be reduced or suspended in the like manner and to the like extent; but in calculating the amount of the reduction there shall be aggregated with the emoluments of the employment taken up the amount of any superannuation benefit by way of annual amounts payable to the person under the relevant superannuation scheme.

PART V

MISCELLANEOUS

Supply of information

11. Any person to whom benefits are payable under these regulations shall furnish all information as the Secretary of State may at any time require; and he shall verify the same in such manner, including the production of documents in his possession or control, as may be reasonably so required.

Procedure for payment of benefits

12.—(1) Subject to any statutory provision in that behalf, any benefits payable under these regulations shall be payable to, or in trust for, the person who is entitled to receive such benefits, and shall not be assignable.

(2) Where on the death of a person to whom benefits are payable under these regulations any sum not exceeding £500 is due to or in respect of that person, the Secretary of State may dispense with proof of the title of the personal

representatives of that person and pay that sum to the person, or to or among one or more of any persons, appearing to the Secretary of State on such evidence as he deems satisfactory to be entitled by law to a beneficial interest therein, or in the case of the illegitimacy of the deceased person or his children to or among such persons as the Secretary of State may think fit, and any person to whom such a payment is made, and not the Secretary of State, shall thereafter be liable to account for any amount so paid.

Keith Joseph,
Secretary of State for Social Services.

8th February 1974.

SCHEDULE 1 Regulations 2(1) and 3(1)(*a*)

OFFICERS TO WHOM THE REGULATIONS APPLY

Employing Authority *Column* 1	*Officers to whom the regulations apply* *Column* 2
1. A Regional Hospital Board	Secretary Deputy Secretary Treasurer Deputy Treasurer Legal Adviser Senior Administrative Medical Officer Principal Assistant Senior Medical Officer (in receipt of a deputising allowance) Regional Architect Regional Engineer Regional Quantity Surveyor Chief Quantity Surveyor Deputy Regional Architect Deputy Regional Engineer Chief Regional Nursing Officer *Regional Supplies Officer *Area Supplies Officer
2. Newcastle Regional Hospital Board	Area Secretary of the Special Area Committee for Cumberland and North Westmorland
3. A Hospital Management Committee, a University Hospital Management Committee or a Board of Governors of a Teaching Hospital except a Board of Governors of any hospital specified in schedule 2 to the National Health Service Reorganisation Act 1973 (hospitals of which the boards of governors may be preserved)	Secretary *Deputy Secretary Treasurer *Deputy Treasurer Chief Nursing Officer or Group Head of Nursing Group Engineer *Deputy Group Engineer Group Building Supervisor *Deputy Group Building Supervisor *Area Supplies Officer

Employing Authority Column 1	*Officers to whom the regulations apply* Column 2
4. An Executive Council	Clerk *Deputy Clerk
5. A Local Health Authority, a Local Education Authority or a Public Health Authority	Medical Officer of Health/Principal School Medical Officer Associate Medical Officer of Health *Deputy Medical Officer of Health/Deputy Principal School Medical Officer Director of Nursing Services or Head of Nursing Chief Dental Officer/Principal School Dental Officer
6. A County Council, a County Borough Council or the Greater London Council	Chief Ambulance Officer
7. The Greater London Council	Medical Adviser Deputy Medical Adviser

*These officers are those designated by the titles shown in the relevant agreements of the appropriate Whitley Council for the Health Services (Great Britain).

Regulation 4(*c*)

SCHEDULE 2

Acceptance Of Other Employment

1. An employment for the purposes of regulation 4(*c*) shall be by an authority shown in column 1 of the table hereunder in an office shown in column 2 of the said table, or other office of like standing to such an office.

Table

Authority Column 1	*Office* Column 2
(1) A Regional Health Authority	Regional Administrator Regional Treasurer Any post which ranks immediately below either of the afore-mentioned Regional Medical Officer Specialist in Community Medicine Regional Works Officer Regional Architect Regional Engineer Regional Quantity Surveyor Any post ranking above the level of Assistant Regional Architect/Engineer/Quantity Surveyor Regional Ambulance Officer Chief of the London Ambulance Service Chief Metropolitan Ambulance Officer Regional Supplies Officer Regional Dental Officer Legal Adviser Regional Nursing Officer (chief post)

Authority *Column* 1	*Office* *Column* 2
(2) An Area Health Authority or an Area Health Authority (Teaching)	Area Administrator Area Treasurer District Administrator District Finance Officer Any post ranking immediately below any of the afore-mentioned Administrator of the Family Practitioner Services Area Medical Officer District Community Physician Specialist in Community Medicine Area Works Officer Area Engineer Area Building Officer District Works Officer District Engineer District Building Officer Area Chief Ambulance Officer Area Supplies Officer District Supplies Officer Area Dental Officer District Dental Officer Legal Adviser Area Nursing Officer (chief post) District Nursing Officer (chief post)
(3) The Common Services Agency for the Scottish Health Service	Secretary Treasurer Any post which ranks immediately below either of the afore-mentioned Any administrative post of equivalent or higher rank than a post immediately below Secretary or Treasurer Secretary to the Planning Council Specialist in Community Medicine (including a post attracting "lead" payments) Director of Building Division Assistant Director of Building Division Senior Professional Officer in the Building Division
(4) A Health Board in Scotland	Secretary Treasurer District Administrator District Finance Officer Any post which ranks immediately below any of the afore-mentioned Chief Administrative Medical Officer Specialist in Community Medicine District Medical Officer Chief Administrative Dental Officer District Dental Officer Chief Area Nursing Officer District Nursing Officer Chief Administrative Pharmaceutical Officer Area Maintenance Manager Area Engineer Area Building Officer District Engineer District Building Officer

Authority *Column* 1	*Office* *Column* 2
(5) The Welsh Health Technical Services Organisation	Chief Administrator Director of Works Director of Supplies Chief Engineer Chief Architect Chief Quantity Surveyor

2. A person who—

(*a*) accepts an offer from any authority or other body described in paragraph 1 of this schedule which is an offer of a temporary or acting appointment terminating on or before 31st March 1975, and

(*b*) does not accept or take up, on or before the payment date, an employment described in that paragraph,

shall not thereby be a person who accepts an offer within the meaning of regulation 4(*c*).

EXPLANATORY NOTE

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

1. These Regulations provide for certain senior officers employed in the National Health Service to elect for early retirement on enhanced pension terms, provided that no notice of objection to the election is given by the employing authority under section 44(2) of the Act, and thereby forgo any right which might otherwise have been exercised under section 24 of the Superannuation Act 1972 to claim compensation for loss of employment attributable to the reorganisation of the National Health Service.

2. Part I contains definitions.

3. Part II specifies the persons to whom the Regulations apply (Regulation 3 and Schedule 1), and the conditions under which those persons become entitled to receive benefits under the Regulations (Regulation 4 and Schedule 2).

4. Part III sets out the benefits for an entitled person, which are based on that person's accrued pension rights supplemented by the addition of up to 15 notional years of service (Regulation 5). Provision is made for widows and dependants if such a person dies after becoming entitled to benefit (Regulations 6 and 7). The calculation of the benefits is adapted to provide appropriate benefits for persons whose superannuation scheme benefits are based on contracts or policies of insurance (Regulation 8).

5. Part IV provides for adjustment and reduction of benefits to take account of superannuation benefits (Regulation 9) and remuneration from certain subsequent employment (Regulation 10).

6. Part V contains miscellaneous provisions as to procedure.

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