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STATUTORY INSTRUMENTS

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**1989 No. 2369 (S.156)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The Health and Medicines Act 1988 (Superannuation)  
(Savings for Retired Practitioners) (Scotland) Regulations 1989**

<i>Made</i>	- - - -	<i>13th December 1989</i>
<i>Laid before Parliament</i>		<i>3rd January 1990</i>
<i>Coming into force</i>	- -	<i>1st April 1990</i>

The Secretary of State, in exercise of the powers conferred on him by section 26(6) of the Health and Medicines Act 1988( **(1)**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Health and Medicines Act 1988 (Superannuation) (Savings for Retired Practitioners) (Scotland) Regulations 1989 and shall come into force on 1st April 1990.

(2) In these Regulations “the Superannuation Regulations” means the National Health Service (Superannuation) (Scotland) Regulations 1980( **(2)**) and other words and expressions used have the same meaning as in the Superannuation Regulations.

**Savings in respect of practitioners' superannuation**

**2.** Notwithstanding the provisions of section 9 of the Health and Medicines Act 1988( **(3)**) (revocation of regulation 75 of the Superannuation Regulations( **(4)**) and consequent reduction of pension on re-employment as a practitioner after attaining the age of 65 years), where at any time in the period beginning on 1st March 1990 and ending on 31st March 1990—

- (a) a practitioner between the ages of 65 and 70 years, who became entitled to a pension as a practitioner on or after attaining the age of 65 years, was engaged in further employment as a practitioner, and

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(1) 1988 c. 49; the powers are exercised in connection with the coming into force of section 9.

(2) S.I. 1980/1177, as amended by S.I. 1981/1680, 1983/272, 1988/1956, 1989/807 and 1749.

(3) Section 9 comes into force on 1st April 1990 by virtue of the Health and Medicines Act 1988 (Commencement No. 4) Order 1989 (S.I. 1989/826).

(4) Regulation 75 was amended by the National Health Service (Superannuation) (Scotland) Amendment (No. 2) Regulations 1989 (S.I. 1989/1749), regulation 29.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(b) regulation 75 of the Superannuation Regulations operated in his case with the result that such further employment was disregarded for the purpose of determining whether the pension payable to him under the Superannuation Regulations should be reduced, any further employment, between the ages of 65 and 70 years, by that practitioner shall continue to be disregarded as if regulation 75 had not been revoked.

St Andrew's House,  
Edinburgh  
13th December 1989

*Michael B Forsyth*  
Parliamentary Under Secretary of State, Scottish  
Office

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make savings in connection with the coming into force on 1st April 1990 of section 9 of the Health and Medicines Act 1988 (“the Act”). That section revokes regulation 75 of the National Health Service (Superannuation) (Scotland) Regulations 1980 under which further employment as a medical or dental practitioner within the National Health Service, between the ages of 65 and 70 years, is disregarded for the purpose of determining whether there should be a reduction in a pension payable under those Regulations. Regulation 2 of these Regulations, however, enables those practitioners who, in the month preceding the coming into force of section 9 of the Act, were taking advantage of regulation 75 to continue to do so as if that provision had not been revoked.