STATUTORY RULES OF NORTHERN IRELAND

2001 No. 367

The Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001

Part IV

Review of Allowances and Miscellaneous

Option to persons detrimentally affected by these Regulations

24.—(1) This regulation applies in relation to any benefit which is payable to or in respect of a person who, having served in an employment or office, has service which qualifies persons to participate in the benefits provided under the previous Regulations, and has ceased to serve therein before these Regulations came into operation.

(2) Where, in a case to which this regulation applies, any provision of these Regulations would operate in relation to any person so as to place that person in a worse position than he would have been if that provision had not applied, that person may elect that provision shall not apply by giving notice in accordance with paragraph (3).

(3) A notice given pursuant to paragraph (2) shall be in writing and shall be delivered to the Department within 6 months of the coming into operation of these regulations or such longer period as the Department may allow.

(4) An election pursuant to paragraph (2) shall have effect in relation to the benefit referred to in paragraph (1) only to the extent that such benefit has accrued by virtue of periods of service rendered prior to the cessation referred to in paragraph (1) (or, if there has been more than one such cessation, the last of them before the coming into operation of these Regulations) and in determining the entitlement to, and the amount of, the benefit to that extent, such person shall be treated as if he had never recommenced service at any time after that cessation (or, as the case may be, the last such cessation).