
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 65

The Health and Personal Social Services (Superannuation),
Health and Social Care (Pension Scheme) and Health and
Personal Social Services (Injury Benefits) (Amendment and
Transitional Provisions) Regulations (Northern Ireland) 2009

PART 2

AMENDMENT OF THE HEALTH AND SOCIAL CARE (PENSION
SCHEME) REGULATIONS (NORTHERN IRELAND) 2008

Amendment of regulation 87

37.—(1) Regulation 87 (Payment of lump sums on death) is amended as provided by paragraphs (2) to (7).

(2) In the heading to that regulation, after “lump sums” insert “or pensions”.

(3) In paragraph (1), after “regulation 82” insert “or a pension payable under regulation 86A”.

(4) In paragraph (2)—

(i) after “lump sum” insert “or pension”, and

(ii) for “under paragraph (4) or (6)” substitute “or body under paragraph (4), (6) or (10)”.

(5) In paragraphs (3), (4) and (6), after “lump sum” in each paragraph insert “or pension”.

(6) In paragraph (7), after “lump sum” in each place insert “or pension”.

(7) After paragraph (9), add—

“(10) The member’s personal representatives may, as part of the distribution of the member’s estate, give irrevocable notice to the Department—

(a) specifying—

(i) one or more individuals, or

(ii) one incorporated or unincorporated body,

to whom the benefit of the pension under regulation 86A from the date of receipt of the notice by the Department is to be assigned; and

(b) where two or more individuals are specified, specifying the percentage of the pension payable to each of them,

and the pension (or, as the case may be, the percentage of it specified in respect of the person) may be paid to the person or body, unless paragraph (11) applies.

(11) This paragraph applies if—

(a) the person specified in the notice has died before the payment can be made;

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- (b) payment to that person is not, in the opinion of the Department, reasonably practicable; or
 - (c) the person to whom the pension (or a specified percentage of the pension) would otherwise be payable has been convicted of an offence specified in regulation 130 (4) (Forfeiture of rights to benefit) and the Department has directed, as a consequence of that conviction, that the person's right to a payment in respect of the member's death is forfeited.
- (12) The prohibition on assignment of benefits in regulation 135 (Prohibition on assignment or charging of benefits) shall not apply to an assignment by personal representatives under this regulation.”.