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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 259**

**The Health and Personal Social Services (Superannuation Scheme and Additional Voluntary Contributions),  
Health and Social Care (Pension Scheme)  
(Amendment) Regulations (Northern Ireland) 2013**

**PART 3**

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

17. The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(1) are amended as provided by regulations 18 to 50.

**Amendment of regulation 3**

18. In regulation 3 (Actuarial reports and accounts)(2), omit paragraphs (4), (5) and (6).

**Amendment of regulation 4**

19. Omit regulation 4 (Cost sharing).

**Amendment of regulation 6**

20. In paragraph (1) of regulation 6 (Interpretation: general), in the definition of “employing authority”, in paragraph (d), after the words “health services” insert “(in whole or in part)”.

**Amendment of regulation 11**

21. In paragraph (6) of regulation 11 (Qualifying service: disregard breaks of service)—

- (a) for “Paragraphs (2), (4) and (5) do not apply if” substitute “Where”;
- (b) in sub-paragraph (a), after “the earlier period” insert “, paragraphs (4) and (5) do not apply”; and
- (c) in sub-paragraph (b), at the end, add “, paragraphs (2), (4) and (5) do not apply”.

**Amendment of regulation 32**

22. In regulation 32 (Contributions by employing authorities: members becoming entitled to pension under regulation 55)(3), after paragraph (4) insert—

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(1) [S.R. 2008 No.256](#) as amended by [S.R. 2009 Nos.65 and 188](#); [S.R. 2010 Nos.22, 286 and 420](#); [S.R. 2011 No.256](#); [S.R. 2012 No.42](#); [S.R. 2013 Nos.40 and 73](#)  
(2) Regulation 3 as amended by [S.R. 2010 No.420](#), regulation 10  
(3) Regulation 32 as amended by [S.R. 2010 No.286](#), regulation 22

“(4A) Sub-paragraph (b) of paragraph (4) does not apply where the member leaves the employment in which the member was an active member on, or after, 1st April 2013.”.

### **Amendment of regulation 39**

**23.**—(1) Regulation 39 (Cancellation of options under regulation 34) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (4), after “such an option” insert “in accordance with paragraph (3)”.

(3) After paragraph (4), add—

“(5) If, after the exercise of the option under regulation 34, the Department has reasonable grounds to believe that the member’s health will prevent the member from paying contributions for the whole contribution period, the Department may cancel the option by giving the member notice in writing.

(6) If the Department cancels such an option in accordance with paragraph (5)—

- (a) the additional periodical contributions cease to be payable for the first pay period beginning after the date specified in the notice (“date of cancellation”) and all subsequent pay periods; and
- (b) any periodical payments made prior to the date of cancellation shall be returned to the member.”.

### **Amendment of regulation 41**

**24.** In regulation 41 (Effect of death or early payment of pension after option exercised under regulation 34, 36 or 37), at the end of paragraph (4) add (as full out words) “This is subject to regulation 39(5) and (6).”.

### **Amendment of regulation 55**

**25.** In regulation 55 (Early retirement on termination of employment by employing authority)(4), for paragraph 1(c), substitute—

“(c) the member’s employing authority certifies that the member—

- (i) has at least 2 years’ continuous employment determined in accordance with any terms and conditions applying to the employment,
- (ii) is entitled to claim a pension under this regulation if the member’s employment is terminated by reason of redundancy as an alternative to receiving (in whole or in part) the lump sum payment otherwise payable to the member in accordance with those terms and conditions, and
- (iii) has not unreasonably refused to seek suitable alternative employment or accept an offer of such employment.”.

### **Amendment of regulation 77**

**26.** In regulation 77 (Amount of children’s pension under regulation 74: deceased pensioner members)(5), for paragraph (6), substitute—

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(4) Regulation 55 as amended by [S.R. 2008 No.188](#), regulation 28 and [S.R. 2013 No.40](#), regulation 13

(5) Regulation 77 as amended by [S.R. 2009 No.188](#), regulation 39; [S.R. 2010 No.420](#), regulation 43 and [S.R. 2010 No.286](#), regulation 27

“(6) In a case within paragraph (4)(b) or (c), the rate of the pension in respect of the dependent child or children for the period of 6 months beginning with the deceased’s death is equal to the greater of—

- (a) the rate of the member’s pension at the date of death disregarding any reduction made under Chapter 8 (Abatement) and any additional pension, and
- (b) the amount of children’s pension that would otherwise be payable under these Regulations.”.

#### **Amendment of regulation 102**

27. In regulation 102 (Acceptance of transfer value payments)(6), in paragraph (1) for “(4)” substitute “(5)”.

#### **Amendment of regulation 115**

28. In regulation 115 (Application of Chapter 8)(7), omit paragraph (5).

#### **Amendment of regulation 117**

29.—(1) Regulation 117 (Reduction of pension) is amended as provided by paragraphs (2) and (3).

- (2) In paragraphs (1) and (2) for “scheme year” substitute “financial year”.
- (3) For paragraphs (6) and (7) substitute—

“(6) For the purpose of calculating the reduction to be made under paragraph (1) in respect of any part of a financial year, the amount of the member’s previous pay will be reduced proportionately.”.

#### **Amendment of regulation 118**

30. In regulation 118 (Meaning of “relevant income”)(8), in paragraphs (1) and (7) for “scheme year” substitute “financial year”.

#### **Amendment of regulation 119**

31. In regulation 119 (Meaning of “previous pay”: general)(9), in paragraphs (3) and (4) in each place for “scheme year” substitute “financial year”.

#### **Amendment of regulation 120**

32. In regulation 120 (Meaning of “previous pay”: members with concurrent employment)(10), in each place for “scheme year” substitute “financial year”.

#### **Amendment of regulation 122**

33. In regulation 122 (Employed pensioners with more than one pension), in each place for “scheme year” substitute “financial year”.

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(6) Regulation 102 as amended by [S.R. 2009 No.65](#), regulation 42 and [S.R. 2010 No.22](#), regulation 51

(7) Regulation 115 as amended by [S.R. 2012 No.78](#), regulation 15

(8) Regulation 118 as amended by [S.R. 2010 No.286](#), regulation 31

(9) Regulation 119 as amended by [S.R. 2009 No.65](#), regulation 46

(10) Regulation 120 as amended by [S.R. 2012 No.42](#), regulation 18

### **Amendment of regulation 123**

**34.** In regulation 123 (Provisional reductions and later adjustments), in each place for “scheme year” substitute “financial year”.

### **New regulation 125A**

**35.** After regulation 125 (Claims for benefits), insert—

#### **“125A Provision of information: continuing entitlement to benefit**

(1) The Department may specify a date by which a person who is in receipt of a benefit under this Section of the Scheme is to provide the Department with all or any of the following material—

- (a) evidence of the person’s identity;
- (b) the person’s contact details;
- (c) evidence of the person’s continuing entitlement to the benefit.

(2) Where a person fails to provide the material referred to in paragraph (1) in accordance with that paragraph the Department may withhold all, or any part of, any benefit payable to that person.”.

### **Amendment of regulation 134**

**36.** In regulation 134 (General prohibition on unauthorised payments), for “rules” substitute “Regulations”.

### **Amendment of regulation 137**

**37.** In paragraph (1) of regulation 137 (Interpretation of Part 3: general), in the definition of “employing authority”, in paragraph (d), after the words “an Order relating to health services” insert “(in whole or in part)”.

### **Amendment of regulation 142**

**38.**—(1) Regulation 142 (Qualifying service: disregard of breaks in service) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (6)—

- (a) for “Paragraphs (2), (4) and (5) do not apply if” substitute “Where”;
- (b) in sub-paragraph (a), after “the earlier period” insert “paragraphs (4) and (5) do not apply”;
- and
- (c) in sub-paragraph (b), at the end, add “, paragraphs (2), (4) and (5) do not apply”.

(3) In paragraph (7), for “(6)(b)” substitute “(6)(a)”.

### **Amendment of regulation 144**

**39.** In regulation 144 (Pensionable earnings – breaks in service)(**11**), after paragraph (11) add—

“(12) Before a calculation of a member’s pensionable earnings can be made in accordance with paragraph (3), written notice of the length of the period of absence to which this regulation applies must be given to the Department by—

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(11) Regulation 144 as amended by [S.R. 2009 No.65](#), regulation 57 and [S.R. 2013 No.40](#), regulation 16

- (a) the member, where the member is a principal practitioner or a non-GP provider; or
- (b) in all other cases, the host Board.

(13) The notice referred to in paragraph (12) must be provided to the Department in such form and manner as the Department may stipulate from time to time.”

#### **Amendment of regulation 161**

**40.** In regulation 161 (Member’ contribution rate)(**12**) in paragraphs (14) and (15), for “paragraph (2)” substitute “this regulation and regulation 162”.

#### **Amendment of regulation 170**

**41.**—(1) Regulation 170 (Cancellation of options under regulation 165), is amended as provided by paragraphs (2) to (4).

(2) In the heading, for “167” substitute “165”.

(3) In paragraph (4), after “such an option” insert “in accordance with paragraph (3),”.

(4) After paragraph (4), add—

“(5) If, after the exercise of the option under regulation 165, the Department has reasonable grounds to believe that the member’s health will prevent the member from paying contributions for the whole contribution period, the Department may cancel the option by giving the member notice in writing.

(6) If the Department cancels such an option in accordance with paragraph (5)—

- (a) the additional periodical contributions cease to be payable for the first pay period beginning after the date specified in the notice (“date of cancellation”) and all subsequent pay periods; and
- (b) any periodical payments made prior to the date of cancellation shall be returned to the member.”.

#### **Amendment of regulation 172**

**42.** In paragraph (4) of regulation 172 (Effect of death or early payment of pension after option exercised under regulation 165, 167 or 168), for “If a member” substitute “Subject to regulation 170(5) and (6), if a member”.

#### **Amendment of regulation 204**

**43.** In regulation 204 (Amount of children’s pension under regulation 201: deceased pensioner members)(**13**), for paragraph (6) substitute—

“(6) In a case within paragraph (4)(b) or (c), the rate of the pension in respect of the dependent child or children for the period of 6 months beginning with the deceased’s death is equal to the greater of—

- (a) the rate of the member’s pension at the date of death disregarding any reduction made under Chapter 8 (Abatement) and any additional pension, and
- (b) the amount of children’s pension that would otherwise be payable under these Regulations.”.

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(12) Regulation 161 was substituted by S.R. 2009 No.188, regulation 52; amended by S.R. 2010 No.420, regulation 17; S.R. 2012 No.42, regulation 24; S.R. 2012 No.78, regulation 18 and S.R. 2013 No.73 regulation 17

(13) Regulation 204 as amended by S.R. 2009 No.188, regulation 68; S.R. 2010 No.22, regulation 83 and S.R. 2010 No.286, regulation 44

#### **Amendment of regulation 241**

44. In regulation 241 (Application of Chapter 8)(14), omit paragraph (6).

#### **Amendment of regulation 243**

45.—(1) Regulation 243 (Reduction of pension), is amended as provided by paragraphs (2) and (3).

(2) In paragraphs (1) and (2) for “scheme year” substitute “financial year”.

(3) For paragraphs (6) and (7) substitute—

“(6) For the purpose of calculating the reduction to be made under paragraph (1) in respect of any part of a financial year, the amount of the member’s previous pay will be reduced proportionately.”.

#### **Amendment of regulation 244**

46. In regulation 244 (Meaning of “relevant income”)(15), in paragraphs (1) and (6) for “scheme year” substitute “financial year”.

#### **Amendment of regulation 245**

47. In regulation 245 (Meaning of “previous earnings”: general), in each place for “scheme year” substitute “financial year”.

#### **Amendment of regulation 246**

48. In regulation 246 (Employed pensioners with more than one pension), in each place for “scheme year” substitute “financial year”.

#### **Amendment of regulation 247**

49. In regulation 247 (Provisional reductions and later adjustments), in each place for “scheme year” substitute “financial year”.

#### **New regulation 249A**

50. After regulation 249 (Claims for benefits), insert—

##### **“249A Provision of information: continuing entitlement to benefit**

(1) The Department may specify a date by which a person who is in receipt of a benefit under this Section of the Scheme is to provide the Department with all or any of the following material—

- (a) evidence of the person’s identity;
- (b) the person’s contact details;
- (c) evidence of the person’s continuing entitlement to the benefit.

(2) Where a person fails to provide the material referred to in paragraph (1) in accordance with that paragraph the Department may withhold all, or any part of, any benefit payable to that person.”.

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(14) Regulation 241 as amended by S.R. 2012 No.78, regulation 19

(15) Regulation 244 as amended by S.R. 2010 No.286, regulation 48

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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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