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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 163**

**The Health and Personal Social Services (Superannuation)  
(Amendment) Regulations (Northern Ireland) 2008**

**Substitution of regulation 42**

**36.** For regulation 42 (Contracting-out conditions to be overriding) substitute—

**“Contracting-out conditions to be overriding**

**42.—**(1) The scheme will be administered in conformity with the contracting-out conditions and, with the exception of the circumstances specified in paragraph (2), regulations 43 to 48 override any inconsistent provisions of these regulations.

(2) The circumstances referred to in paragraph (1) are—

- (a) if a trivial pension is commuted in accordance with regulation 94; or
- (b) if a pension is commuted in accordance with regulations 13(10), 13A(10) or 49(5);  
or
- (c) if a pension is forfeited for the reasons specified in sub-paragraphs (b) or (c) of regulation 93(1).

(3) In this Part—

- (a) “contracting-out conditions” means the conditions specified in sections 5(2A) and 5(2B) of the 1993 Act;
- (b) “guaranteed minimum” means the guaranteed minimum as defined in sections 9 to 13 of the 1993 Act;
- (c) “guaranteed minimum pension” is a pension calculated in accordance with the guaranteed minimum requirements;
- (d) “protected rights” has the same meaning as in the 1993 Act.”.