

**2008 No. 350**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (Superannuation)  
(Additional Voluntary Contributions, Injury Benefits and  
Compensation for Premature Retirement) (Amendment)  
Regulations (Northern Ireland) 2008**

*Made* - - - - - *19th August 2008*

*Coming into operation* *9th September 2008*

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred by Articles 12 and 14 and 19 (1), (3) and (4) of, and Schedule 3 to the Superannuation (Northern Ireland) Order 1972(a), with the consent of the Department of Finance and Personnel.

In accordance with Article 12(4) of that Order, the Department has consulted with representatives of persons likely to be affected by these Regulations, as appeared to the Department to be appropriate.

**Citation, commencement and effect**

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions, Injury Benefits and Compensation for Premature Retirement) (Amendment) Regulations (Northern Ireland) 2008.

(2) These Regulations shall come into operation on 9th September 2008, and shall have effect from 1st April 2008.

**Amendments to the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999**

2.—(1) The Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999(b) shall be amended as provided by paragraphs (2) to (15).

(2) In regulation 2(1) (Interpretation)—

(a) omit the definitions of “child”, “date of retirement”, “dependant”, “HPSS Superannuation Scheme”, “normal benefit age”, and “retirement”;

(b) insert the following definitions at the appropriate place in alphabetical order—

“the 2008 Regulations” means the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(c);”;

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(a) S.I. 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13), 1993 c. 49 (N.I.) and S.I. 2002/1555  
(b) S.R. 1999 No. 294 as amended by S.R. 2002 No. 129; S.R. 2004 No. 104; S.R. 2005 Nos. 154 and 533, S.R. 2006 No. 410 and S.R. 2008 No. 130  
(c) S.R. 2008 No. 256

““child” means a person who qualifies for—

- (a) a child’s allowance under regulation 33 or 34 to 38 of the 1995 Regulations; or
- (b) a child’s pension under regulation 74 or 201 of the 2008 Regulations;”;

““date of retirement” means the date on which benefits become payable to the participator under—

- (a) regulation 12 to 16 or 49 of the 1995 Regulations; or
- (b) regulation 45, 48, 49, 52, 54, 55, 176, 179, 180, 182 or 184 of the 2008 Regulations;”;

““dependant” means—

- (a) a surviving spouse of a participator (providing the marriage was not, prior to 1st April 1995, subject to an order of judicial separation);
- (b) any surviving child of a participator; or
- (c) any person in whose favour a participator has made an election under—
  - (i) regulation 39 of the 1995 Regulations; or
  - (ii) regulation 62 or 189 of the 2008 Regulations;
- (d) a surviving civil partner or surviving nominated partner;”;

““HPSS Superannuation Scheme” means the Health and Social Care Superannuation Scheme, the rules of which are set out in the 1995 Regulations and the 2008 Regulations, as the case may be;”;

““normal benefit age”, in relation to the AVC scheme, means—

- (a) in the case of a person whose pension arrangements are governed by the 1995 Regulations, the age of 60;
- (b) in any other case, the age of 65;”;

““superannuable service” is to be construed in accordance with whichever of the following is applicable—

- (a) regulation 4 of the 1995 Regulations;
- (b) regulation 7 or 139 of the 2008 Regulations; and where those Regulations apply, has the same meaning as “pensionable service;”;

““retirement” is to be construed in accordance with whichever of the following is applicable—

- (a) the 1995 Regulations;
- (b) the 2008 Regulations;”;

(c) for the definition of “authorised fund” substitute—

““authorised fund” means a fund managed by—

- (a) an authorised provider selected by the Department for the purposes of these Regulations; or
- (b) any successor, transmittee or assignee of any person in paragraph (a) who is—
  - (i) an authorised provider; and
  - (ii) approved by the Department;”.

(3) In regulation 2(2), for “the 1995 Regulations” substitute “the 1995 Regulations or the 2008 Regulations, as the case may be”.

(4) In regulation 3 (Making and acceptance of elections)—

- (a) in paragraph (3)(b), after “Regulations” add “(Contributions by members) or regulation 27 or 160 of the 2008 Regulations (Contributions by members) as the case may be”;
- (b) in paragraph (5)(a) omit “, 4(4),”;
- (c) in paragraph (6)—
  - (i) for “Subject to” substitute “In the case of a person who is governed by the 1995 Regulations, subject to”; and
  - (ii) for “4(4)” substitute “4(3)”;
- (d) after paragraph (6) insert—

“(6A) In the case of a person who is governed by the 2008 Regulations, subject to paragraph (5)(b) and regulation 4(3)—

- (a) if contributions are paid for the purposes of paragraph (1)(b)—
    - (i) until the contributor reaches their 65th birthday; and
    - (ii) on reaching their 65th birthday they continue to be in pensionable employment, the contributor may elect for further contributions to be paid until they reach their 66th birthday; and
  - (b) a person to whom paragraph (a) applies may continue to elect annually for further contributions to be paid provided they continue to be in pensionable employment.”
- (5) In regulation 4 (Payment and amount of additional voluntary contributions)—
- (a) in paragraph (3)(b), after “Regulations” add “or the 2008 Regulations (as the case may be)”;
  - (b) after paragraph (3) insert—
    - “(3A) In this regulation—
    - “employer” has the same meaning as “employing authority” in the 1995 Regulations or the 2008 Regulations (as the case may be) and, where the context requires, includes a host Health and Social Services Board (as defined in the relevant Regulations); and
    - “salary” includes superannuable pay, superannuable earnings, pensionable pay or pensionable earnings (within the meaning of the 1995 Regulations or the 2008 Regulations (as the case may be)).”.
- (6) In regulation 5(2)(a) (Variation and cancellation of elections) omit “and (4)”.
- (7) In regulation 6 (Circumstances in which elections cease to have effect)—
- (a) after paragraph (1)(a) insert—
    - “(aa) receives payment of benefits under regulations 45, 48, 49, 51, 53, 55, 176, 179, 180, 183, or 185 of the 2008 Regulations;”;
  - (b) in paragraph (1)(c), after “(Opting out of the scheme)” insert “or regulation 25 or 157 of the 2008 Regulations (Opting out of the scheme) as the case may be”;
  - (c) in paragraph (1)(d), after “(Contributions by members)” insert “or regulation 27 or 160 of the 2008 Regulations (Contributions by members) as the case may be”;
  - (d) in paragraph (2), after “(1)(a)” insert “, (aa)”.
- (8) In regulation 10 (Outward transfers)—
- (a) for paragraph (4) substitute—
    - “(4) If the Department is required under paragraph (1) to make a transfer payment in circumstances where a transfer payment in respect of an eligible person is also provided and used in accordance with—
    - (a) regulation 53 of the 1995 Regulations (Member’s right to transfer or buy-out); or
    - (b) regulation 93 or 220 of the 2008 Regulations (Introduction: rights to transfer value payment),

the Department must do so in accordance with the time limits specified in whichever of the following is applicable—

    - (i) regulation 56 of the 1995 Regulations;
    - (ii) regulation 96 or 223 of the 2008 Regulations,

as if any reference in the regulations specified in head (i) or (ii) to an application were a reference to the notice referred to in paragraph (1).”;
  - (b) for paragraph (8)(b)(ii) substitute—
    - “(ii) to whom regulation 58 of the 1995 Regulations or regulation 106 or 233 of the 2008 Regulations applies.”.
- (9) In regulation 11 (Retirement and dependants’ pensions)—
- (a) for paragraph (2)(b) substitute—
    - “(b) any dependant’s pension which is payable under it is payable only on the death of the participator after his retirement and is payable to the dependant for life, except that—

- (i) in the case of a dependant who is a child to whom regulations 32 to 38 of the 1995 Regulations (Child Allowance) applies, it shall cease to be payable when that person ceases to be a dependent child within the meaning of those Regulations; or
  - (ii) in the case of a dependant who is a child to whom regulation 75 or 202 of the 2008 Regulations (Meaning of dependant child) applies, it shall cease to be payable when that person ceases to be a dependent child within the meaning of those Regulations; and;”;
- (b) in paragraph (5A), after “of the 1995 Regulations” insert “(Benefits for members or preserved pension) or regulation 45, 48, 49, 52, 54, 55, 176, 179, 180, 182 or 184 of the 2008 Regulations (Normal retirement pensions, actuarially reduced pensions, ill health and early retirement pensions)”;
- (c) in paragraph (8), after “1995 Regulations” insert “or the 2008 Regulations (as the case may be)”.
- (10) In regulation 14 (Repayment of investments in certain cases)—
- (a) for paragraph (1)(b) substitute—
    - “(b) and has applied for a refund of contributions under—
      - (i) regulation 50 of the 1995 Regulations (Refund of contributions); or
      - (ii) regulation 44 or 175 of the 2008 Regulations (Repayment of contributions);”;
    - (b) omit paragraph (1)(c).
- (11) In regulation 15 (Payments by the Department)—
- (a) in paragraph (3)—
    - (i) after “spouse” (where it first and last occurs) insert “, nominated partner”;
    - (ii) after “(Payment of Lump Sum)” add “, regulation 87 or 214 of the 2008 Regulations (Payment of lump sums on death)”;
  - (b) in paragraph (9), after “of the 1995 Regulations” insert “(Benefits for members, or preserved pension) or regulation 45, 48, 49, 52, 54, 55, 176, 179, 180, 182 or 184 of the 2008 Regulations (Normal retirement pensions, actuarially reduced pensions, ill health and early retirement pensions)”;
  - (c) for paragraph (10) substitute—
    - “(10) In the case of a participator to whom any of the following provisions apply—
      - (a) regulation 13(7), 13A(7) or 49(5) of the 1995 Regulations (Ill health pensions and preserved pensions);
      - (b) regulation 59 or 186 of the 2008 Regulations (Option for members in serious ill-health to exchange whole pension for lump sum),
 the Department may realise the investments made under these Regulations without purchasing an annuity and, in that event, the proceeds shall be payable to the participator as a lump sum.”.
- (12) In regulation 19 (Offset for crime, negligence or fraud), after “of the 1995 Regulations” insert “(Offset for crime, negligence or fraud) or regulation 129 or 253 of the 2008 Regulations (Reduction in benefits in cases where loss caused by member’s crime, negligence or fraud)”.
- (13) In regulation 20 (Loss of rights to benefits), after “of the 1995 Regulations” insert “(Loss of rights to benefits) or regulation 130 or 254 of the 2008 Regulations (Forfeiture of rights to benefits)”.
- (14) For regulation 22 (Tax) substitute—
- “**22.**—(1) Benefits payable under these Regulations shall be paid net of any tax due under the 2004 Act.
  - (2) For the purposes of the 2004 Act, the administrator of the AVC scheme shall be the Department.”.
- (15) In Schedule 2 (Pension sharing on divorce or nullity of marriage)—
- (a) in paragraph 1(5)(b), after “of the 1995 Regulations” insert—
    - “or regulation 75 or 202 of the 2008 Regulations (Meaning of dependant child)”;
  - (b) in paragraph 4(8), after “(Benefits or preserved pension)” insert—

- “or regulation 45, 47, 49, 52, 54, 55, 176, 179, 180, 182 or 184 of the 2008 Regulations (Normal retirement pensions, actuarially reduced pensions, ill health and early retirement pensions)”;
- (c) for paragraph 7(2)(b) substitute—  
 “(b) the total benefits payable would be treated as a trivial amount under paragraph 5(1)(b) of Schedule 2A to the 1995 Regulations or regulation 128 or 252 of the 2008 Regulations.”;
- (d) in paragraph 11(2), after “widower” (where three times occurring) insert “, nominated partner”;
- (e) after paragraph 11(4)(c) add—  
 “(d) shall nominate the whole of the lump sum to a nominee and, in the case of a notice that specifies more than one person, shall also specify the percentage of the lump sum to be paid to each such person.”;
- (f) after paragraph 11(4) add—  
 “(5) A notice given under sub-paragraph (3) must specify one or more persons who may be—  
 (a) an individual;  
 (b) a body corporate;  
 (c) an unincorporated body;  
 (d) the member’s personal representatives,  
 but must not specify one or more persons referred to in sub-subparagraph (a) together with a body referred to in either of sub-subparagraph (b) or (c).”;
- (g) in paragraph 13(1)(a), after “(Offset for crime, negligence or fraud)” insert—  
 “or regulation 129 or 253 of the 2008 Regulations (Reduction in benefits in cases where loss caused by member’s crime, negligence or fraud and forfeiture of rights to benefits)”;
- (h) in paragraph 14(1)(a), after “(Loss of rights to benefits)” insert—  
 “or regulation 130 or 254 of the 2008 Regulations (Forfeiture of rights to benefits).”.

### **Amendments to the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001**

**3.—(1)** The Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001(a) shall be amended as provided by paragraphs (2) to (10).

- (2) In regulation 2(1) (Interpretation)—
- (a) omit the definitions of “the superannuation scheme regulations”, “average remuneration”, “GMS contract”, “GMS practice”, “non-GP provider”, “practitioner”, “registered dentist” and “the Scheme”;
- (b) insert the following definitions at the appropriate places in alphabetical order—  
 ““the 1993 Act” means the Pension Schemes (Northern Ireland) Act 1993(b);”;  
 ““the 1995 Regulations” means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(c);”;  
 ““the 2008 Regulations” means the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(d);”;  
 ““APMS contract” means arrangements under Article 56 (2)(b) of the 1972 Order (primary medical services) between a Health and Social Services Board and an APMS contractor;”;  
 ““APMS contractor” means a person—  
 (a) with whom a Health and Social Services Board has made arrangements under Article 56 (2)(b) of the 1972 Order, and

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(a) S.R. 2001 No. 367 as amended by S.R. 2005 Nos. 533 and 565, S.R. 2006 Nos. 159 and 410 and S.R. 2008 No. 130

(b) 1993 c. 48.

(c) S.R. 1995 No. 95

(d) S.R. 2008 No. 256

- (b) who has entered into, or would be eligible to enter into, a GMS contract for the provision of primary medical services;”;

““average remuneration” means—

- (a) in relation to a practitioner, the yearly average of such amount as would be or would have been his uprated earnings within the meaning of whichever of the following is applicable—
- (i) paragraph 11(2) of Schedule 2 to the 1995 Regulations, as a practitioner to whom those Regulations apply;
  - (ii) regulation 176(4)(b) of the 2008 Regulations, as a practitioner to whom those Regulations apply;
- (b) in relation to a person other than a practitioner, such amount as would be or would have been—
- (i) his final year’s superannuable pay under regulation 3(6) of the 1995 Regulations, as an officer to whom those Regulations apply (assuming, in the case of a person to whom regulation 3(1)(c) applies, that he was in receipt of the superannuable pay which would, in the opinion of the Department, have been payable if he were employed whole-time by an employing authority on similar duties); or
  - (ii) his reckonable pay under regulation 15 of the 2008 Regulations, as the case may be, calculated as if he had retired—
- (aa) in the case of a person eligible for an allowance under regulation 4(3), on the date on which he ceased to be employed as a person to whom regulation 3(1) applies;
  - (bb) in the case of a person eligible for an allowance under regulation 4(4) or (5), on the date on which his emoluments were reduced;
  - (cc) in the case of any other person, on the date on which by reason of the injury or disease his employment ceased:

Provided that in respect of a person to whom regulation 3(1)(a) applies who, immediately before he ceased to be employed by reason of the injury or disease or as a person to whom regulation 3(1) applies, or immediately before the date on which his emoluments were reduced, as the case may be, was employed as a senior registrar, registrar, specialist registrar, senior house officer or house officer, average remuneration shall be increased to the amount which in the opinion of the Department represents the average remuneration of a general medical practitioner, or a general dental practitioner, as the case may be, of comparable age;”;

““dentist performer” has the same meaning as it has in Part 3 of the 2008 Regulations;”;

““GDS arrangements” means general dental services arrangements made under Article 61 of the 1972 Order;”;

““GMS contract” means a contract under Articles 57 and 57A of the 1972 Order or under Article 13 of the General Medical Services Transitional and Consequential Provisions (No. 1) (Northern Ireland) Order 2004(a);”;

““GMS practice” means—

- (a) a registered medical practitioner; or
- (b) two or more individuals practising in partnership; or
- (c) a company limited by shares,

with whom a Health and Social Services Board has entered into a GMS contract;”;

““medical performers list” means a list of registered medical practitioners prepared and published in accordance with the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(b);”;

“non-GP provider” means—

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(a) S.R. 2004 No. 141

(b) S.R. 2004 No. 149 as amended by S.R. 2005 No. 230

- (a) a partner in a partnership that is a GMS practice who is not a GP provider and who demonstrates to the satisfaction of the Department that he assists in the provision of health and personal social services provided by that practice;
- (b) a partner in a partnership that is an APMS contractor that has entered into an APMS contract for the provision of primary medical services—
  - (i) but who is not a GP provider; and
  - (ii) who demonstrates to the satisfaction of the Department that he assists in the provision of health and personal social services provided by that partnership;
- (c) a shareholder in a company limited by shares that is—
  - (i) a GMS practice; or
  - (ii) an APMS contractor that has entered into an APMS contract for the provision of primary medical services,
 

but who is not a GP provider and who demonstrates to the satisfaction of the Department that he assists in the provision of health and personal social services provided by that company;
- (d) an individual who is an APMS contractor but who is not a GP provider and who demonstrates to the satisfaction of the Department that he participates in the provision of health and personal social services;”;

““surviving partner” means a widow, widower, surviving civil partner or surviving nominated partner;”;

““the Scheme” means the Health and Social Care Superannuation Scheme, the rules of which are set out in the 1995 Regulations and the 2008 Regulations, as the case may be;”;

- (c) in the definition of “OOH provider”, for “2A of the Superannuation Scheme Regulations” substitute “152 of the 2008 Regulations”.
- (3) In regulation 2(2), after “child’s allowance” add “or child’s pension”.
- (4) After regulation 2 insert—

**“Meaning of “practitioner”**

**2A.—**(1) In these Regulations “practitioner” means, in relation to a person who is or is eligible to be a member of the Scheme the rules of which are set out in the 1995 Regulations, a person, other than a locum practitioner—

- (a) to whom regulation 74(1) or (2) of the 1995 Regulations applies (or would apply if he had been a member of the Scheme at the date he sustains an injury, or contracts a disease, to which these Regulations apply); and
- (b) who is performing services—
  - (i) in the case of a registered medical practitioner, under a GMS contract or an APMS contract; or
  - (ii) in the case of a dentist performer, under GDS arrangements.

(2) In these Regulations “practitioner” means, in relation to a person who is or is eligible to be a member of the Scheme the rules of which are set out in the 2008 Regulations, a person, other than a locum practitioner, who is (or was if he had been a member of that Scheme at the date he sustains an injury, or contracts a disease, to which these Regulations apply)—

- (a) a registered medical practitioner and—
  - (i) a GP provider; or
  - (ii) a GP performer, or
- (b) a dentist performer,

who is performing services—

- (i) in the case of a registered medical practitioner, under a GMS contract or an APMS contract; or
- (ii) in the case of a dentist performer, under GDS arrangements.”.

- (5) In regulation 4 (Scale of benefit)—

- (a) in paragraph (3), for “age 60” (where twice occurring) substitute “normal benefit age”;
- (b) in paragraph (6)(a), for “superannuation scheme Regulations” substitute “1995 Regulations or regulation 129, 253, 130 or 254 (Reduction in benefits in cases where loss caused by member’s crime, negligence or fraud and forfeiture of rights to benefits) of the 2008 Regulations”;
- (c) after paragraph (9) add—
  - “(10) In this regulation, “normal benefit age” means—
    - (a) in respect of a person who is or is eligible to be a member of the Scheme the rules of which are set out in the 1995 Regulations, 60;
    - (b) in respect of a person who is or is eligible to be a member of the Scheme the rules of which are set out in the 2008 Regulations, 65.”.
- (6) In regulation 8 (Widow’s, widower’s or surviving civil partner’s allowance)—
  - (a) for the heading to that regulation substitute “Surviving partner allowances” ;
  - (b) in paragraph (1), for “widow, widower or surviving civil” (where twice occurring) substitute “surviving”;
  - (c) in paragraph (2), for “widow, widower or surviving civil” substitute “surviving”;
  - (d) for paragraph (3) substitute—
    - “(3) Except if paragraph (3A) applies, a surviving partner is not entitled to receive an allowance—
      - (a) if the marriage took place, the civil partnership was formed or the nomination was made after—
        - (i) the deceased last ceased to be employed as a person to whom these Regulations apply; or
        - (ii) the date on which his or her earning ability was permanently reduced as a result of the injury or disease,
 whichever is the later;
      - (b) if at the date of the deceased’s death such surviving partner and a man or, as the case may be, a woman to whom she or he is—
        - (i) not married; or
        - (ii) with whom she or he is not in a civil partnership; or
        - (iii) are living together as husband and wife or as civil partners; or
      - (c) in respect of any period after such surviving partner—
        - (i) remarries or forms a civil partnership; or
        - (ii) during which she or he lives together with another person as if she or he were married to or in a civil partnership with that other person,
 but where such marriage or civil partnership has terminated, the Department may restore an allowance to a surviving partner if the Department is satisfied that such surviving partner is suffering hardship.”.
- (7) In regulation 9 (Child’s allowance)—
  - (a) in paragraph (2)(c), for “or civil partner” substitute “, civil partner or nominated partner”;
  - (b) For paragraph (6), substitute—
    - “(6) In this regulation, the “allowable maximum” means the amount to which a pension under the 1995 Regulations or the 2008 Regulations (as the case may be) of £2404 a year beginning on 9th April 2007 would have been increased under Part I of the Pensions (Increase) Act (Northern Ireland) 1971 at the date in question, plus the yearly amount of any expenses necessarily incurred for the purposes of the education or training.”.
- (8) In regulation 10 (Dependent relative’s allowance)—
  - (a) in paragraph (1)(a), for “or civil partner’s” substitute “, civil partner’s or nominated partner’s”;
  - (b) in paragraph (2)—
    - (i) for “widow, widower or surviving civil” substitute “surviving”;
    - (ii) omit “spouse or civil” (where twice occurring).

- (9) In regulation 12(1) (Lump sum payment on death)—  
(a) in sub-paragraph (a), for “widow, widower or surviving civil” substitute “surviving”;  
(b) in sub-paragraph (b), for “or civil partner” substitute “, civil partner or nominated partner”.
- (10) In regulation 13(3) (Incidental provisions), for “widow’s, the widower’s or the surviving civil” substitute “surviving”.

**Amendments to the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983**

**4.** In the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983(a) in regulation 4 (Payment of compensation), for paragraph (3) substitute—

- “(3) The compensation payable in accordance with this paragraph shall consist of an annual allowance at a rate equal to the rate by which that pension would be increased in accordance with the 1995 Regulations, if—  
(a) a period equal to the period with which he is credited under regulation 5 were added to the superannuable service in respect of which that pension is payable; and  
(b) for the purposes of regulation 3 of the 1995 Regulations, the whole period is treated as if it was added to the entitled officer’s superannuable service in respect of superannuable employment before 1st April 2008.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 19th August 2008.

(L.S.)

*Don Hill*

A senior officer of the Department of Health, Social Services and Public Safety

The Department of Finance and Personnel consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 19th August 2008.

(L.S.)

*Adrian Arbuthnot*

A senior officer of the Department of Finance and Personnel

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(a) S.R. 1983 No. 155 as amended by S.R. 1986 No. 322, S.R. 1991 No. 506, S.R. 2005 No. 533 and S.R. 2008 Nos. 96 and 130

## EXPLANATORY NOTE

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

These Regulations further amend the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 294) (“the AVC Regulations”), the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 367) (“the Injury Benefits Regulations”) and the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 155) (“the Compensation Regulations”).

Regulation 2 amends the AVC Regulations by inserting new definitions consequential upon changes to the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 95) (“the 1995 Regulations”) and as a result of the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008 (“the 2008 Regulations”). The amendments to the AVC Regulations indicate which of the 1995 Regulations or the 2008 Regulations apply in any given case. In addition to the above, the Department of Health, Social Services and Public Safety is designated as the administrator of the AVC Scheme for the purposes of the Finance Act 2004 (see regulation 2(14)(b)).

Regulation 3 amends the Injury Benefits Regulations in the same way and for the same purpose as regulation 2 amends the AVC Regulations. In particular regulation 3(4) inserts a new regulation (regulation 2A) into the Injury Benefits Regulations so as to define the word “practitioner”.

Regulation 4 amends the Compensation Regulations so as to specify the amount of compensation payable by way of an annual allowance under those Regulations.

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