
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 188

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

PART 3

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

Amendment of regulation 58

30.—(1) Regulation 58 (General option to exchange part of pension for lump sum) is amended as provided by paragraphs (2) to (4).

(2) For paragraph (1) substitute—

“(1) A member (other than a pension credit member whose rights under the Scheme are attributable to a disqualifying pension credit for the purpose of paragraph 2 of Schedule 29 to the Finance Act 2004) may opt to exchange part of a pension to which the member would otherwise be entitled for a lump sum.”.

(3) In paragraph (7) at the end, add (as full-out words) “This is subject to paragraphs (8) and (9).”.

(4) After paragraph (7), add—

“(8) If the pension is an ill-health pension under regulation 52, the option under this regulation may only be exercised by giving notice in writing to the Department in such form as it requires—

(a) where the member is awarded—

(i) a tier 1 pension under paragraph (2) of that regulation, at the time of claiming that tier 1 pension,

(ii) a tier 2 pension under paragraph (3) of that regulation, at the time of claiming that tier 2 pension; or

(b) before such later time as the Department specifies in writing.

(9) If the pension is a tier 2 ill-health pension under regulation 53, in substitution for a tier 1 ill-health pension under regulation 52, the option under this regulation may only be exercised—

(a) in relation to the difference between the tier 1 pension that ceases to be payable in accordance with paragraph (3) of regulation 53 and the tier 2 pension to which the member becomes entitled under that paragraph; and

(b) by giving notice in writing to the Department in such form as it requires—

(i) at the time of award of the tier 2 pension under that paragraph, or

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(ii) before such later time as the Department specifies in writing.”.