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STATUTORY RULES OF NORTHERN IRELAND

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**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 1**

**AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES  
(SUPERANNUATION) REGULATIONS (NORTHERN IRELAND) 1995**

**Amendment of regulation 19**

**8.—**(1) Regulation 19 (Member dies after pension becomes payable) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1), for “If” substitute “Subject to paragraph (7), if”.

(3) After paragraph (6) add—

“(7) Where a member referred to in paragraph (1) has attained the age of 75 at the date of the member’s death—

- (a) the lump sum referred to in that paragraph shall cease to be payable; and
- (b) shall instead be converted into an annual pension to be determined and paid in accordance with paragraph (8).

(8) The pension referred to in paragraph (7) shall be—

- (a) determined in accordance with guidance and tables provided by the Scheme actuary for the purpose of converting the amount of the lump sum into an annual pension;
- (b) paid to the person who would otherwise be entitled to receive the lump sum in accordance with regulation 22; and
- (c) paid to that person from the day after the member’s death until the fifth anniversary of the day the member’s pension under the scheme became payable.

(9) If, in accordance with regulation 22, a member has given notice that more than one person is to receive a share of the lump sum, each such person shall receive the same percentage of the annual pension as was specified for that person in the member’s notice.

(10) If, in accordance with regulation 22, the annual pension is to be paid to the member’s personal representatives, they 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 this regulation from the date of the 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 payment has been made;
    - (b) payment to the person or body specified in the notice 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 93(1A) 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 90 (Benefits not assignable) shall not apply to an assignment by personal representatives under this regulation.”