
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 73

The Health and Personal Social Services (Superannuation),
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

8. The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008⁽¹⁾ are amended as provided by regulations 9 to 17.

Amendment of regulation 6

9.—(1) Regulation 6 (Interpretation: general) is amended as provided by paragraphs (2) to (5).

(2) After the definition of “the 2004 Order” insert—

““the 2008 Act” means the Pensions (No.2) Act (Northern Ireland) 2008⁽²⁾”.

(3) After the definition of “2008 Section Optant” insert—

““the 2010 Regulations” means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010⁽³⁾”.

(4) After the definition of “assistant medical practitioner” insert—

““automatic enrolment date” means the date referred to in section 3(7) of the 2008 Act;

“automatic re-enrolment date” means the date determined in accordance with regulation 12 of the 2010 Regulations (as modified by regulation 14⁽⁴⁾ of those regulations);”.

(5) For the definition of “pay period”, substitute—

““pay period” means, in relation to members who receive either salary, wages or other regular payments under a contract of employment or a contract for services, the period in respect of which each payment is made in accordance with the terms of that contract;”.

Amendment of regulation 24

10.—(1) Regulation 24 (Joining this Section of the Scheme), is amended as provided by paragraphs (2) to (4).

(2) For paragraph (1), substitute—

(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](#)
(2) [2008 c.13 \(N.I.\)](#)
(3) [S.R. 2010 No.122](#)
(4) Regulation 14 was substituted by [S.R. 2012 No.232](#), regulation 2(7) and (8)

“(1) Subject to paragraph (3), a person in HSC employment who is eligible to be an active member of this Section of the Scheme, becomes such a member, unless absent from work for any reason, on either—

- (a) the commencement of the person’s employment; or
- (b) where the person has previously opted out of this Section of the Scheme under regulation 25(1) and is a person to whom section 3 or section 5 of the 2008 Act applies—
 - (i) on that person’s automatic enrolment date, or
 - (ii) on that person’s automatic re-enrolment date, except where the notice referred to in regulation 25(1) was given within 12 months immediately preceding that date.”.

(3) For paragraph (3), substitute—

“(3) A person who has previously exercised an option to opt out of this Section of the Scheme in accordance with regulation 25(1) in respect of an employment in which that person was an active member, and who remains eligible to be an active member in respect of that employment, may opt to join or re-join this Section of the scheme by giving notice in writing to the employing authority in such form as the Department requires.”.

(4) Omit paragraph (6).

Amendment of regulation 25

11.—(1) Regulation 25 (Opting out of this Section of the Scheme), is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1) after “any” insert “HSC”.

(3) For paragraphs (4) to (6) substitute—

“(4) A person to whom paragraph (1)(a) of regulation 24 applies in respect of an employment who gives notice in writing under paragraph (1) of this regulation within one month of the date of commencing that HSC employment, is treated as not having become an active member by virtue of that regulation.

(5) A notice under paragraph (1) shall cease to have effect on the day immediately preceding, as the case may be, the person’s—

- (a) automatic enrolment date; or
- (b) automatic re-enrolment date: this does not apply where the notice was given within the 12 months immediately preceding that date.

(6) This regulation does not apply to a person to whom sections 3, 5 or 8 of the 2008 Act)(5) and regulations 9 or 15 of the 2010 Regulations)(6) applies (that is, a person who is subject to automatic enrolment or automatic re-enrolment in this Section of the Scheme as a qualifying scheme who does not wish to participate in it): this paragraph does not affect the rights of such a person who subsequently becomes a member of this Section of the Scheme in circumstances where those provisions of the 2008 Act and 2010 Regulations do not apply.”.

(5) Section 3 makes provision for the automatic enrolment of a qualifying worker into a qualifying scheme like the HSC Pension Scheme. Section 5 makes provision for the automatic re-enrolment of such a person into such a scheme who has previously opted out of it. Section 8 makes provision for the opting out of such a scheme, including the effect of such an opt out.

(6) Regulation 9 sets out the requirements for a valid opt out notice and the time period during which a person who has been automatically enrolled into a qualifying scheme may opt out of it. Regulation 15 applies the provisions of regulation 9 to a person who has been automatically re-enrolled into a qualifying scheme having previously opted out of it. Note that regulation 11 deals with the refund of contributions following an opt out.

Amendment of regulation 28

12. In regulation 28 (Contribution rate for members other than non-GP providers)(7), for the table in paragraph (2) substitute—

“Scheme Year 2013-2014

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable Pay band</i>	<i>Contribution percentage rate</i>
Up to £15,278	5%
£15,279 to £21,175	5.3%
£21,176 to £26,557	6.8%
£26,558 to £48,982	9%
£48,983 to £69,931	11.3%
£69,932 to £110,273	12.3%
£110,274 to any higher amount	13.3%”.

Amendment of regulation 30

13. In regulation 30 (Contribution rate and determination of pensionable earnings for non-GP providers)(8), for paragraph (14) substitute—

“(14) For the purposes of this regulation, “the relevant table” means—

- (a) in respect of the 2012-2013 scheme year, Table 1;
- (b) in respect of the 2013-2014 scheme year, Table 2.

Table 1

Scheme Year 2012-2013

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £21,175	5%
£21,176 to £26,557	6.5%
£26,558 to £48,982	8%
£48,983 to £69,931	8.9%
£69,932 to £110,273	9.9%
£110,274 to any higher amount	10.9%

(7) Regulation 28 was substituted by [S.R. 2010 No.420](#) regulation 12 and amended by [S.R. 2012 No.78](#) regulation 12

(8) Regulation 30 was substituted by [S.R. 2010 no.420](#) regulation 14 and [S.R. 2012 No.78](#) regulation 14

Table 2
Scheme Year 2013-2014

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £15,278	5%
£15,279 to £21,175	5.3%
£21,176 to £26,557	6.8%
£26,558 to £48,982	9%
£48,983 to £69,931	11.3%
£69,932 to £110,273	12.3%
£110,274 to any higher amount	13.3%”.

Amendment of regulation 137

14.—(1) Regulation 137 (Interpretation of Part 3: general) is amended as provided by paragraphs (2) to (5).

(2) After the definition of “the 2004 Order” insert—

““the 2008 Act” means the Pensions (No.2) Act (Northern Ireland) 2008(9);”.

(3) After the definition of “2008 Section Optant” insert—

““the 2010 Regulations” mean the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010(10);”.

(4) After the definition of “assistant dental practitioner” insert—

““automatic enrolment date” means the date referred to in section 3(7) of the 2008 Act;

““automatic re-enrolment date” means the date determined in accordance with regulation 12 of the 2010 Regulations (as modified by regulation 14(11) of those Regulations);”.

(5) For the definition of “pay period”, substitute—

““pay period” means, in relation to members who receive either salary, wages or other regular payments under a contract of employment or a contract for services, the period in respect of which each payment is made in accordance with the terms of that contract;”.

Amendment of regulation 156

15.—(1) Regulation 156 (Joining this Section of the Scheme), is amended as provided by paragraphs (2) to (4).

(2) For paragraph (1), substitute—

“(1) Subject to paragraph (3), a person in HSC employment who is eligible to be an active member of this Section of the Scheme becomes such a member, unless absent from work for any reason, on either—

(9) 2008 c.13 (N.I.)

(10) S.R. 2010 No.122

(11) Regulation 14 was substituted by S.R. 2012 No.232, regulation 2 (7) and (8)

- (a) the commencement of the person’s employment; or
- (b) in circumstances where the person has previously opted out of this Section of the Scheme under regulation 157(1), on that person’s—
 - (i) automatic enrolment date; or
 - (ii) automatic re-enrolment date, except where the notice referred to in regulation 157(1) was given within the 12 months immediately preceding that date.”.
- (3) For paragraph (3), substitute—

“(3) A person who has previously exercised an option to opt out of this Section of the Scheme in accordance with regulation 157(1) in respect of an employment in which that person was an active member, and who remains eligible to be such a member in respect of that employment, may opt to join or re-join this Section of the Scheme by giving notice in writing to the employing authority in such form as the Department requires.”.
- (4) Omit paragraph (6).

Amendment of regulation 157

16.—(1) Regulation 157 (Opting out of this Section of the Scheme)(**12**), is amended as provided by paragraphs (2) to (7).

- (2) In paragraph (1), after “any” insert “HSC”.
- (3) For paragraph (2), substitute—

“(2) A person who opts out under paragraph (1) ceases to be an active member of this Section of the Scheme on the date the notice takes effect and, if applicable, any contributions made by or on behalf of the person for a period of membership after the date on which the notice was effective must be refunded.”.
- (4) For paragraphs (4) and (5), substitute—

“(4) A person to whom paragraph (1)(a) of regulation 156 applies in respect of an employment who gives notice in writing under paragraph (1) of this regulation within one month of the date of commencing that HSC employment, is treated as not having become an active member by virtue of that regulation.

(5) A notice under paragraph (1) shall cease to have effect on the day immediately preceding, as the case may be, the person’s—

 - (a) automatic enrolment date, or
 - (b) automatic re-enrolment date: this does not apply where the notice was given within 12 months immediately preceding that date.”.
 - (5) Omit paragraph (6).
 - (6) In paragraph (7), after “Part 2” insert “or as a locum practitioner”.
 - (7) After paragraph (7), add—

“(8) This regulation does not apply to a person to whom sections 3, 5 or 8 of the 2008 Act(**13**) and regulations 9 or 15 of the 2010 Regulations(**14**) applies (that is, a person who

(12) Regulation 157 was amended by [S.R. 2009 No.65](#) regulation 60

(13) Section 3 makes provision for the automatic enrolment of a qualifying worker into a qualifying scheme like the HSC Pension Scheme. Section 5 makes provision for the automatic re-enrolment of such a person into such a scheme who has previously opted out of it. Section 8 makes provision for the opting out of such a scheme, including the effect of such an opt out.

(14) Regulation 9 sets out the requirements for a valid opt out notice and the time period during which a person who has been automatically enrolled into a qualifying scheme may not opt out of it. Regulation 15 applies the provisions of regulation 9 to a person who has been automatically re-enrolled into a qualifying scheme having previously opted out of it. Note that regulation 11 deals with the refund of contributions following an opt out.

is subject to automatic enrolment or automatic re-enrolment in this Section of the Scheme as a qualifying scheme who does not wish to participate in it): this paragraph does not affect the rights of such a person who subsequently becomes a member of this Section of the Scheme in circumstances where those provisions of the 2008 Act and 2010 Regulations do not apply.”.

Amendment of regulation 161

17. In regulation 161 (Members contribution rate)(15), for paragraph (17) substitute—

“(17) For the purposes of this regulation, “the relevant table” means—

- (a) in respect of the 2012-2013 scheme year, Table 1;
- (b) in respect of the 2013-2014 scheme year, Table 2.

Table 1

Scheme Year 2012-2013

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £21,175	5%
£21,176 to £26,557	6.5%
£26,558 to £48,982	8%
£48,983 to £69,931	8.9%
£69,932 to £110,273	9.9%
£110,274 to any higher amount	10.9%

Table 2

Scheme Year 2013-2014

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £15,278	5%
£15,279 to £21,175	5.3%
£21,176 to £26,557	6.8%
£26,558 to £48,982	9%
£48,983 to £69,931	11.3%
£69,932 to £110,273	12.3%
£110,274 to any higher amount	13.3%”.

(15) Regulation 161 was amended by [S.R. 2009 No.65](#) regulation 61 and substituted by [S.R. 2009 No.188](#) regulation 52; amended by [S.R. 2010 No.420](#) regulation 17 and substituted by [S.R. 2012 No.78](#) regulation 18

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
