
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 120

**The Health and Social Care Pension Scheme
Regulations (Northern Ireland) 2015**

PART 3

Scheme membership

CHAPTER 2

Membership

Membership

18.—(1) Subject to regulation 19, a person is eligible to join this scheme if the person is a health service worker and is—

- (a) employed by an HSC organisation listed in Part 1 of Schedule 5;
- (b) an individual who is a medical contractor, or who is employed by a medical contractor or dental provider, listed in Part 2 of that Schedule;
- (c) an individual who is a medical practitioner or dental practitioner listed in Part 3 of that Schedule; or
- (d) who is employed by a determination employer: see Part 4 of that Schedule.

(2) Subject to regulation 19 a person is eligible to join this scheme if the person is—

- (a) an individual of a category or description listed in Schedule 6; and
- (b) a person in respect of whom the Department has made a determination under section 25(5) of the 2014 Act.

(3) Where such a determination is made, these Regulations apply to the person subject to any modification made by the Department by direction under section 25(8) of the 2014 Act.

(4) In paragraph (1), the reference to a person being employed does not include a reference to a person engaged under a contract for services.

(5) Where, in relation to a single employment or engagement for provision of services, a person is eligible to join this scheme by virtue of more than one of the sub-paragraphs of paragraphs (1) or (2), the scheme manager must determine which one sub-paragraph is to be used as the basis for membership.

Restrictions on membership

19. A person is not eligible to be a member of this scheme if the person—

- (a) is under the age of 16 or over the age of 75;
- (b) is eligible to be an active member of—

- (i) a superannuation scheme established under Article 3 or 11 of the Superannuation (Northern Ireland) Order 1972(1); or
- (ii) a public service pension scheme established under section 1(2)(a) or 1(2)(d) of the 2014 Act,

in respect of service in such a scheme and is such a member;

- (c) is, other than by virtue of regulation 6 of the Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015(2), eligible to be an active member of the 1995 section or the 2008 Section in respect of service in that scheme;
- (d) is a pensioner member of the 1995 Section or the 2008 Section except so far as otherwise provided pursuant to the Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015;
- (e) holds an honorary appointment and is not at the same time otherwise entitled to join this scheme;
- (f) is employed by a GDS provider but is not a dental practitioner;
- (g) is employed by—
 - (i) a GMS practice; or
 - (ii) an APMS contractor,

but does not assist the employer in the provision of services for the purposes of the GMS contract or APMS contract (as the case may be);

- (h) is a person—
 - (i) who—
 - (aa) becomes entitled to a Tier 2 IHP (see regulation 89), and
 - (bb) opts to exchange the Tier 2 IHP for a lump sum pursuant to regulation 108;or
 - (ii) to whom regulation 95(5)(b) applies.

(1) [S.I. 1972/1073 \(N.I.\)](#) Article 3 deals with pension schemes for civil servants and Article 11 deals with pensions for teachers
(2) [S.R. 2015 No.122](#)