
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 ([S.R. 1995 No.95](#)) (“the 1995 Regulations”), the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008 ([S.R. 2008 No.256](#)) (“the 2008 Regulations”), the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001 (“the IB Regulations”) and the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999 (“the AVC Regulations”).

The Regulations are divided into six Parts. Part 1 is introductory, Parts 2 and 3 amend the 1995 Regulations and the 2008 Regulations respectively, Part 4 makes consequential amendments to the IB Regulations, Part 5 makes consequential amendments to the AVC Regulations and Part 6 provides that certain persons detrimentally affected by these Regulations may elect for its provisions not to apply to them.

Part 1 provides for citation, commencement and effect, including that certain provisions of these Regulations take effect before the date they come into operation (see Article 14(1) of the Superannuation (Northern Ireland) Order 1972 for the relevant power).

Parts 2 and 3 make similar amendments in respect of both the 1995 Regulations and the 2008 Regulations. They also introduce amendments specific to either the 1995 Regulations or the 2008 Regulations.

The changes dealing with similar issues in Parts 2 and 3—

- (1) Introduce new definitions relevant to those Regulations (regulations 3, 18, 33).
- (2) Amend the regulations specifying what constitutes superannuable pay and pensionable pay (regulations 4(2), 19).
- (3) Enable the Department to determine a member’s final year’s pay for pension calculation purposes where the Department considers the member’s actual pay or earnings to be inordinate (regulations 4(3) and 20).
- (4) Provide for the charging of interest and administration charges on late paid contributions (regulations 7, 14, 32 and 41).
- (5) Amend the provisions relating to the rate of contributions payable for the scheme years 2015-2016 to 2018-2019 (inclusive) (regulations 5, 15, 22, 24, 35).
- (6) Amend existing provisions entitlement and calculation of redundancy pensions (regulations 8 and 26).
- (7) Amend the provisions relating to applications for transfers (regulations 10, 28 to 30, 37 to 39).
- (8) Insert new provisions (regulation 59A of the 1995 Regulations and regulation 108B and 235B of the 2008 Regulations) dealing with a member’s right to transfer a preserved or deferred pension to 2015 Scheme (regulation 12, 31, 40).
- (9) Amend the provision relating to tax, lifetime allowances and protections (regulations 13 and 17).

Amendments specific to the 1995 Regulations—

- (1) Make amendments to the provisions governing the payments of pensions to widows in the case of hardship (regulation 9).

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

(2) Make minor technical amendments to regulation 59 of those Regulations which deals with the right to transfer a preserved pension from the 1995 to the 2008 section of the Scheme (regulation 11).

Amendments specific to the 2008 Regulations—

(1) Make technical correcting amendments to the provisions relating to the determination of pensionable pay (regulation 23).

(2) Amend regulation 71 to omit unnecessary words (regulation 27).

Part 4 makes amendments to the IB Regulations to reflect the coming into operation of the Health and Social Care Pension Scheme 2015. The amendments to the IB Regulations insert appropriate cross references to the applicable provisions of the 2015 Scheme to ensure that when calculating benefits under those Regulations the provisions of the 2015 Scheme apply as necessary (regulations 43, 44, 46, 47). The definition of “average remuneration” is also amended (regulation 45).

Part 5 makes amendments to the AVC Regulations to reflect the coming into operation of the Health and Social Care Pension Scheme 2015. The amendments to the AVC Regulations insert appropriate cross references to the applicable provisions of the 2015 Scheme in relation to, inter alia, the making and acceptance of elections, payment of additional voluntary contributions, elections, transfers, pensions provision repayment of investments, payments by the Department offsetting and forfeiture of benefits. The amendments also provide greater flexibility when members take their AVC benefits (regulations 49 to 59).

Part 6 provides that deferred members, or members in receipt of a relevant benefit, who are detrimentally affected by these Regulations may elect for the provisions not to apply to them by giving notice within six months of the coming into operation of these Regulations (regulation 60).