
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 121

The Health and Personal Social Services (Superannuation Scheme, Additional Voluntary Contributions and Injury Benefits), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2015

PART 4

Amendment of the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001

General

42. The Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001⁽¹⁾ are amended as provided by regulations 43 to 47.

Amendment of regulation 2

43.—(1) Regulation 2 (Interpretation) is amended as provided by paragraphs (2) to (4).

(2) After the definition of “the 2008 Regulations” insert—

““the 2015 Regulations” means the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015⁽²⁾”.

(3) Omit the following definitions—

(a) “average remuneration”;

“(b) “GP performer” has the same meaning as in the Superannuation Scheme Regulations”;

“(c) “GP provider” has the same meaning as in the principal Regulations”;

“(d) “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983”.

(4) For the definition of “the Scheme”, substitute—

“the Scheme” means the Health and Social Care Pension Scheme, the rules of which are set out in the 1995 Regulations, the 2008 Regulations and the 2015 Regulations as the case may be.”.

(1) S.R. 2001 No.367 as amended by S.R. 2005 Nos.533 and 565; S.R. 2006 Nos.159 and 410; S.R. 2008 Nos.130 and 350; S.R. 2009 Nos.65 and 188; S.R. 2010 No.286; S.R. 2012 No.42; S.R. 2013 Nos.40 and 141

(2) S.R. 2015 No.120

Amendment of regulation 2A

44. After paragraph (2) of regulation 2A (Meaning of “practitioner”)(3), add—

“(3) In these Regulations, in relation to a person who is or is eligible to be a member of the Scheme set out in the 2015 Regulations, “practitioner” means those persons referred to in Parts 2 and 3 (medical contractors, dental providers and medical practitioners and dental practitioners) of Schedule 5 (Membership gateways) to the 2015 Regulations except—

- (a) a locum practitioner;
- (b) a non-GP provider;”.

New regulation 2B

45. After regulation 2A (Meaning of practitioner), insert—

“Meaning of “average remuneration”

2B.—(1) In these Regulations, “average remuneration” means—

- (a) in relation to a practitioner to whom the 1995 Regulations apply, the yearly average of such amount as would be, or would have been, that practitioner’s uprated earnings in accordance with paragraph 11(2) of Schedule 2 to those Regulations;
- (b) in relation to a practitioner to whom the 2008 Regulations apply, the yearly average of such amount as would be, or would have been, that practitioner’s uprated earnings in accordance with regulation 176(4)(b) of those Regulations;
- (c) in relation to a practitioner to whom the 2015 Regulations apply, such amount as would be, or would have been, that person’s yearly average earnings;
- (d) in relation to a person other than a practitioner to whom the 1995 Regulations apply, such amount as would be or would have been that person’s final year’s superannuable pay under regulation 3(6) of those Regulations, (assuming, in the case of a person to whom regulation 3(1)(c) applies, that the person was in receipt of the superannuable pay which would, in the opinion of the Department, have been payable if the person were employed whole-time by an employing authority on similar duties);
- (e) in relation to a person other than a practitioner to whom the 2008 Regulations apply, such amount as would be or would have been (as the case may be) that person’s reckonable pay under regulation 15 of those Regulations;
- (f) in relation to a person other than a practitioner to whom the 2015 Regulations apply, such amount as would be, or would have been, that person’s yearly average earnings.

(2) The yearly average, final year’s superannuable pay and reckonable pay referred to in paragraph (1) are to be calculated as if the person to whom regulation 3(1) applies had retired—

- (a) in the case of a person eligible for an allowance under regulation 4(3A) or (3D), on the date on which that person ceased to be employed as a person to whom that regulation 3(1) applies;
- (b) in the case of a person eligible for an allowance under regulation 4(4), (4B), (5) or (5D), on the date on which that person’s emoluments were reduced;

(3) Regulation 2A was inserted by [S.R. 2008 No.350](#), regulation 3(4) and amended by [S.R. 2009 No.188](#), regulation 81 and [S.R. 2010 No.286](#), regulation 54

- (c) in the case of any other person, on the date on which by reason of the injury or disease that person's employment ceased.

This is subject to paragraphs (3) and (4).

(3) This paragraph applies to a person to whom regulation 3(1)(a) applies who was employed as a senior registrar, registrar, specialist registrar, senior house officer or house officer immediately before—

- (a) ceasing to be employed by reason of the injury or disease or as a person to whom that regulation applies, or
- (b) the date on which that person's emoluments were reduced.

(4) In the case of a person to whom paragraph (3) applies, average remuneration shall be increased to the amount which in the opinion of the Department represents the average remuneration of a general medical practitioner or, as the case may be, a general dental practitioner.

(5) In the case of a person to whom the 2015 Regulations apply, and who is a not practitioner, that person's yearly average earnings are the greater of—

- (a) the optimum re-valued pensionable earnings in that person's HSC employment; and
- (b) the annual rate of pay for that employment at the time it ceased.

(6) In the case of a person to whom the 2015 Regulations apply, and who is a practitioner, that person's yearly average earnings are the average of the annual amounts that would be, or would have been, the person's re-valued pensionable earnings in respect of practitioner service or service which is treated as practitioner service.

(7) The optimum re-valued pensionable earnings is the re-valued superannuable earnings for the scheme year in the earnings reference period for which the person has the greatest amount of re-valued pensionable earnings.

(8) The annual rate of pay is the sum of—

- (a) the annual rate of so much of what was or would have been the person's pensionable earnings immediately before the pension became or would have become payable as consisted of salary, wages, or other regular payments of a fixed nature, and
- (b) so much of any fees and other regular payments not of a fixed nature as—
 - (i) was payable to the person during the period of 12 months ending with the day the employment ceased, and
 - (ii) formed, or would have formed, part of the person's pensionable earnings.”.

Amendment of regulation 4

46.—(1) Regulation 4 (Scale of benefits)(4) is amended as provided by paragraphs (2) and (3).

(2) In sub-paragraph (a) of paragraph (6)—

(a) for paragraph (i), substitute—

“(i) reduction in the amount of that pension under regulation 92 or 93 of the 1995 Regulations, regulation 129, 130, 253 or 254 of the 2008 Regulations or paragraph 11 or 12 of Schedule 3 to the 2015 Regulations (all of which deal with offset and loss of rights to benefits);”;

(4) Regulation 4 as amended by [S.R. 2008 No.130](#), regulation 4(3); [S.R. 2008 No.350](#), regulation 3(5); [S.R. 2009 No. 65](#), regulation 85; [S.R. 2009 No.188](#), regulation 82 and [S.R. 2013 No.141](#), regulation 5

(b) for paragraph (ii), substitute—

“(ii) reduction in the amount of that pension under regulation 13A(7), 17A or 49(5) of the 1995 Regulations, regulation 58, 59, 185 or 186 of the 2008 Regulations or regulation 76 or 108 of the 2015 Regulations (all of which deal with exchanging a pension for a lump sum including in cases of serious ill health);”;

(c) for paragraph (iv), substitute—

“(iv) reduction in the amount of that pension under paragraph 13(b) of regulation 89A of the 1995 Regulations, paragraph (10)(b) of regulations 131 or 255 of the 2008 Regulations or paragraph 16 of Schedule 3 to the 2015 Regulations (all of which deal with the deduction of tax);”.

(3) After sub-paragraph (b) of paragraph (10)(5), add—

“(c) in respect of a person who is or is eligible to be a member of the scheme set out in the 2015 Regulations,—

(i) the person’s state pension age, or

(ii) 65, if that is higher.”.

Amendment of regulation 8

47. In paragraph (6) of regulation 9 (Child’s allowance)(6), for “or the 2008 Regulations” substitute “, the 2008 Regulations or the 2015 Regulations”.

(5) Sub-paragraph (10) was inserted by S.R. 2009 No.350 regulation 3(5)(c)

(6) Regulation 9 as amended by S.R. 2005 No.533, regulation 4(3) and S.R. 2008 No.350, regulation 3(7)