
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 5

Amendment of the Health and Personal Social Services (Superannuation) (Additional Voluntary Contributions) Regulations (Northern Ireland) 1999

Amendment of regulation 2

- 49.**—(1) Regulation 2 (Interpretation) is amended as provided by paragraphs (2) to (4).
- (2) In paragraph (1)—
- (a) after the definition of “the 2008 Regulations” insert—
- ““the 2009 Regulations” means the Registered Pension Schemes (Authorised Payments) Regulations 2009⁽¹⁾;
- “the 2014 Act” means the Taxation of Pensions Act 2014⁽²⁾;
- “the 2015 Regulations” means the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015⁽³⁾”;
- (b) in the definition of “child”⁽⁴⁾—
- (i) at the end of paragraph (a), omit “or”;
- (ii) at the end of paragraph (b), add—
- “or
- (c) a child’s pension under regulation 120 of the 2015 Regulations”;
- (c) in the definition of “date of retirement”⁽⁵⁾—
- (i) at the end of paragraph (a), omit “or”;
- (ii) at the end of paragraph (b), add—
- “(c) regulations 72, 78, 80, 81, 83, 89 and 93 of the 2015 Regulations; or
- (d) in the case of a benefit referred to in regulation 11(1)(d), a commencement date that the participator requests and that is on, or after, the participator’s normal minimum age: for these purposes, normal

(1) [S.I. 2009/1171](#)

(2) [2014 \(c.30\)](#)

(3) [S.R. 2015 No.120](#)

(4) The definition of “child” was last substituted by [S.R. 2008 No.350](#) regulation 2(2)(b)

(5) The definition of “date of retirement” was last substituted by [S.R. 2008 No.350](#) regulation 2(2)(b)

- minimum pension age has the meaning given in section 279(1) of the 2004 Act.”;
- (d) at the end of paragraph (c)(ii) of the definition of “dependant”(6), add—
“or
(iii) regulation 50 of the 2015 Regulations;”;
- (e) for the definition of “HPSS Superannuation Scheme”(7), substitute—
““HPSS Superannuation Scheme” means the Health and Social Care Pension Scheme, the rules of which are set out in the 1995 Regulations, the 2008 Regulations or the 2015 Regulations;”;
- (f) for the definition of “normal benefit age”, substitute—
““normal benefit age”, in relation to the AVC scheme, means—
(a) in the case of a person who was a member of the HPSS Superannuation Scheme governed by the 1995 regulations at the date at which the person’s election under regulation 3 took effect, the age of 60;
(b) in the case of a person who was a member of the HPSS Superannuation Scheme governed by the 2008 Regulations at the date at which the person’s election under regulation 3 took effect, the age of 65;
(c) in the case of a person who was a member of the HPSS Superannuation Scheme governed by the 2015 Regulations at the date at which the person’s election under regulation 3 took effect—
(i) the person’s state pension age, or if higher,
(ii) the age of 65;”;
- (g) in paragraph (a) of the definition of “participator”, for “11(3)” substitute “11”;
- (h) after paragraph (b) in the definition of “retirement”(8), add—
“(c) the 2015 Regulations;”;
- (i) for the definition of “superannuable employment”, substitute—
““superannuable employment” means employment in respect of which a person contributes to the HPSS Superannuation Scheme, or other such employment as the Department may approve for the purposes of a direction under Article 12 of the Superannuation (Northern Ireland) Order 1972(9) or a determination under section 25(5) of the Public Service Pensions Act (Northern Ireland) 2014(10);”;
- (j) after paragraph (b) in the definition of “superannuable service”(11), add—
“(c) regulation 20 of the 2015 Regulations;”.
- (3) After paragraph (1), insert—
“(1A) A person is a nominated partner in relation to a contributor if the person and the contributor—
(a) have jointly made and signed a declaration in such form as the Department requires,

(6) The definition of “dependent” was last substituted by [S.R. 2008 No.350](#) regulation 2(2)(b)

(7) The definition of “HPSS Superannuation Scheme” was last substituted by [S.R. 2008 No.350](#) regulation 2(2)(b)

(8) The definition of “retirement” was last substituted by [S.R. 2008 No.250](#) regulation 2(2)(b)

(9) [S.I. 1972/1073 \(N.I. 10\)](#)

(10) [2014 c.2](#)

(11) The definition of “superannuable service” was inserted by [S.R. 2008 No.250](#) regulation 2(2)(b)

- (b) are living together in an exclusive relationship as if they were husband and wife or civil partners,
 - (c) are not prevented from marrying or forming a civil partnership.
- (1B) A person is a surviving nominated partner in relation to a contributor if—
- (a) the person and the contributor jointly made and signed a declaration in such form as the Department requires that remains effective at the member’s death, and
 - (b) the person satisfies the Department that for a continuous period of 2 years ending with the member’s death—
 - (i) the person and the member were living together in an exclusive relationship as if they were husband and wife or civil partners,
 - (ii) the person and the member were not prevented from marrying or forming a civil partnership, and
 - (iii) the person was financially dependent on the member or the person and the member were financially interdependent.
- (1C) A declaration for the purposes of paragraph (1A)(a) or (1B)(a) ceases to have effect if—
- (a) it is revoked by the contributor or other person by a signed notice in writing to the Department in such form as the Department may require or is willing to accept,
 - (b) the contributor makes a further declaration for the purpose of those paragraphs, or
 - (c) the contributor or the person marries or forms a civil partnership.”
- (4) In paragraph (2)(12), for “1995 Regulations or the 2008 Regulations” substitute “1995 Regulations, 2008 Regulations or the 2015 Regulations”.