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STATUTORY RULES OF NORTHERN IRELAND

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**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 15**

**56.**—(1) Regulation 15 (Payments by the Department)(1) is amended as provided by paragraphs (2) to (8).

(2) For paragraph (1)(2), substitute—

“(1) Where an authorised provider or a selected authorised provider fails to pay a benefit referred to in regulation 11(1) or a lump sum benefit referred to in regulation 12, the Department is liable to pay that amount.”.

(3) For paragraph (3), substitute—

“(3) Lump sums payable as mentioned in regulation 11(8)(f) and (11) and regulation 12 or paragraph 3(2), 8 or 9 of Schedule 2 shall be paid—

(a) to the deceased’s spouse, nominated partner or civil partner; or

(b) to the deceased’s personal representatives if—

(i) there is no spouse, nominated partner or civil partner, or

(ii) a notice has been given in accordance with any of the provisions referred to in paragraph (3A) that the spouse, nominated partner or civil partner is not to receive the payment.”.

(4) After paragraph (3), insert—

“(3A) The provisions referred to in paragraph (3)(b) are—

(a) regulation 17 of the 1995 Regulations (Payment of lump sum);

(b) regulation 87 or 214 of the 2008 Regulations (Payment of lump sums or pensions on death);

(c) regulation 111 of the 2015 Regulations (Lump sum on death);

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(1) Regulation 15 as amended by [S.R. 2002 No.129](#), regulation 10; [S.R. 2004 No.104](#), Schedule 2 regulation 4; [S.R. 2005 No.533](#), regulation 5(3); [S.R. 2006 No.410](#), regulation 30; [S.R. 2008 No.350](#), regulation 2(11); [S.R. 2010 No.286](#), regulation 55(5) and [S.R. 2013 No.259](#), regulation 53

(2) Paragraph (1) was last substituted by [S.R.2010 No.286](#) regulation 55(5)

- (d) paragraph 11 of Schedule 2.”.
- (5) For paragraph (4), substitute—
  - “(4) Lump sums payable under regulation 11(1)(b), (c) and (d) and regulation 14(1) must be paid to the participator.”.
- (6) In paragraph (9), for “regulations 12” to “early retirement pensions)” substitute “the provisions referred to in paragraph (9A)”.
- (7) After paragraph (9), insert—
  - “(9A) Those provisions are—
    - (a) regulation 12 to 16 or 49 of the 1995 Regulations (which deal with benefits for members and preserved pension);
    - (b) regulation 45, 48, 49, 52, 54, 55, 176, 179, 180, 182, or 184 of the 2008 Regulations (Normal retirement pensions, actuarially reduced pensions, ill health pensions and early retirement pensions);
    - (c) regulation 72, 78, 80, 81, 83, 89 or 93 of the 2015 Regulations (age retirement, early retirement, partial retirement and ill-health pensions).”.
- (8) In paragraph (10) after sub-paragraph (b), insert—
  - “(c) regulation 108 of the 2015 Regulations (Option for members in serious ill-health to exchange pension for lump sum),”.