

## SCHEDULES

### SCHEDULE 2

#### Amendments to the old scheme

### PART 1

#### Amendment to the 1995 regulations

##### General

1. The 1995 Regulations are amended in accordance with paragraphs 2 to 8.

##### Amendment of regulation 6

2. After paragraph (3) of regulation 6 (Membership of this Section of the scheme), add—

“(3A) A person—

(a) who—

(i) was in superannuable employment on 31st March 2012 but ceased to be so after that date, or

(ii) ceased HSC employment before 1st April 2012,

(iii) and is not the subject of a Direction made under Article 12 of the Superannuation (Northern Ireland) Order 1972<sup>(1)</sup>,

(b) who would, if paragraph (a) did not apply, fall within regulation 8(4) to (18), and

(c) to whom the Treasury’s guidance “Fair Deal for staff pensions: staff transfer from central government”<sup>(2)</sup> applies,

may, if the Department considers it appropriate and makes a direction under Article 12 of the Superannuation (Northern Ireland) Order 1972, be a member of this Section of the scheme.”.

##### Amendment of regulation 7

- 3.—(1) Regulation 7 (Restrictions on membership), is amended as provided by paragraphs (2) and (3).

(2) Omit sub-paragraphs (j)(v) and (k)(iv) of paragraph (1).

(3) After sub-paragraph (c)<sup>(3)</sup> of paragraph (2), add—

“(d) for the purposes of sub-paragraphs (k) and (n)(iii)(aa), any break in superannuable employment where the member was in superannuable service in an existing scheme (within the meaning of Schedule 5 to the 2014 Act) is to be disregarded.”.

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(1) 1972/1073 (N.I. 10)

(2) ISBN 978-1-909790-36-0, PU1571. Copies are available at <https://www.gov.uk/government/publications/fair-deal-guidance> and from The Correspondence and Enquiry Unit, HMT, 1 Horse Guards Road, London, SW1A 2HQ.

(3) Sub-paragraph (c) was inserted by S.R. 2009 No.65 regulation 5(3) and amended by S.R. 2010 No.286 regulation 4(3)

### **Amendment of regulation 8**

4. After paragraph (3) of regulation 8 (Restriction on further participation in this Section of the scheme), add—

“(4) A person who on 1st April 2012 has not attained the age of 41 years and 7 months may not contribute or accrue further superannuable service under this Section of the Scheme in respect of service in HSC employment on, or after, 1st April 2015.

(5) A person who on 1st April 2012 has attained the age of 50 may not contribute or accrue further superannuable service under this Section of the scheme unless that person either—

- (a) is in superannuable employment on 31st March 2015, or
- (b) returns to superannuable employment on or after 1st April 2015 in circumstances where the provisions of regulation 7 do not apply.

(6) A person who on 1st April 2012 has attained the age of 45 years but not the age of 46 years and 7 months may not contribute or accrue further superannuable service under this Section of the Scheme unless either paragraph (7) or (8) applies to that person and that person—

- (a) is in superannuable employment on 31st March 2015, or
- (b) returns to superannuable employment on or after 1st April 2015 in circumstances where the provisions of regulation 7 do not apply.

(7) This paragraph applies to a person who was, on 1st April 2012, in superannuable employment as a special class officer either—

- (a) under regulation 75, or
- (b) under regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count in excess of 20 years’ superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation.

(8) This paragraph applies to a person who was, on 31st March 2015, in superannuable employment as a special class officer either—

- (a) under regulation 75, or
- (b) under regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count in excess of 20 years’ superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation.

(9) A person who, on 1st April 2012, has attained the age of 46 years and 7 months but has not attained the age of 50, may not contribute to or accrue further superannuable service under this Section of the scheme unless one of paragraphs (7), (10), (11) or (12) applies to that person and that person—

- (a) is in superannuable employment on 31st March 2015, or
- (b) returns to superannuable employment on or after 1st April 2015 in circumstances where the provisions of regulation 7 do not apply.

(10) This paragraph applies to a person whose eligibility cessation date calculated in accordance with paragraph (15) has not been reached.

(11) This paragraph applies to a person if on the day before that person’s eligibility cessation date calculated in accordance with paragraph (10), that person is in superannuable employment as a special class officer either—

- (a) under regulation 75, or

- (b) under regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation.

(12) A person who, on 1st April 2012 has attained the age of 41 years and 7 months but has not attained the age of 45, may not contribute or accrue further superannuable service under this Section of the Scheme unless either paragraph (13) or (14) applies to that person and that person—

- (a) is in superannuable employment on 31st March 2015, or
- (b) returns to superannuable employment on or after 1st April 2015 in circumstances where the provisions of regulation 7 do not apply.

(13) This paragraph applies to a person if that person was, on 1st April 2012, in superannuable employment as a special class officer—

- (a) either under—
  - (i) regulation 75, or
  - (ii) regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation, and

- (b) that person's eligibility cessation date calculated in accordance with paragraph (16) has not been reached.

(14) This paragraph applies to a person if that person was, on 31st March 2015, in superannuable employment as a special class officer—

- (a) either under—
  - (i) regulation 75, or
  - (ii) under regulation 76 and would, if that employment were to continue until that person attained the age of 60 years, be able to count 20 years or more superannuable service as a mental health officer for the purposes of paragraphs (5) and (6) of that regulation, and

- (b) that person's eligibility cessation date calculated in accordance with paragraph (16) has not been reached.

(15) For the purposes of paragraphs (10) and (11), the “eligibility cessation date” in relation to a person is to be determined according to the formula—

$$A - (2 \times M)$$

where—

A is 1st April 2022

M is the number of months (rounded up to the nearest whole month) by which the person's age on 1st April 2012 is less than 50.

(16) For the purposes of paragraphs (13) and (14), the “eligibility cessation date” in relation to a person is to be determined according to the formula—

$$A - (2 \times N)$$

where—

A is 1st April 2022

N is the number of months (rounded up to the nearest whole month) by which the person's age on 1st April 2012 is less than 45.

- (17) Paragraph (18) applies to a person who in the opinion of the Department—
- (a) was previously an active member of a health service scheme corresponding to this Section of the scheme;
  - (b) the regulations governing that corresponding scheme include provisions pursuant to subsection (5) of section 18 of the 2014 Act that provide for exceptions to subsection (1) of that section, and
  - (c) pursuant to those provisions, the member would have been eligible to re-join that corresponding scheme if the member had returned to HSC employment for the purposes of that scheme on the day the member commenced HSC employment within the meaning of these Regulations.

(18) The Department may permit a person referred to in paragraph (17) to join this Section of the scheme and, for the purposes of paragraphs (5) to (16), the member's previous superannuable employment under the corresponding health service scheme referred to in paragraph (17) will be treated as if it were previous superannuable employment under this Section of the scheme.”.

#### **Amendment of regulation 49**

5. In paragraph (14) of regulation 49 (Preserved pension), for the definition of “HSC employment”, substitute—

““HSC employment” does not include employment with an employing authority in respect of which a member is eligible to join—

- (a) the 2008 Section; or
- (b) the 2015 Scheme and that member's service in this Section does not qualify as, or has ceased to be, pensionable service to which paragraphs 1(2)(i) and (ii) or paragraphs 2(i) and (ii) of Schedule 7 (final salary link) to the 2014 Act applies.”.

#### **Amendment of regulation 81**

6. After paragraph (5) of regulation 81 (Former members of health service schemes)(4), add—

“(6) A member who leaves employment in respect of which the member qualified for benefit under a health service scheme and who joins the 2015 Scheme may, by notice in writing, require the Department to credit the member with a relevant period of superannuable service (together with the rights attaching to that service) under this Section of the scheme.

This is subject to paragraphs (8) and (9).

- (7) That relevant period of superannuable service is calculated as if—
  - (a) the employment to which the health service scheme applied were HSC employment; and
  - (b) the member's contributions to that health service scheme were contributions to this Section of the scheme.
- (8) The member may only exercise the right referred to in paragraph (6) if —
  - (a) a transfer payment is made from the health service scheme to this Section of the scheme, and

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(4) Regulation 81 as amended by [S.R. 2012 No.78](#), regulation 5

- (b) on the day the member becomes an active member of the 2015 Scheme, paragraph 2 of Schedule 7 to the 2014 Act applies to the period of service in respect of which that transfer value payment is made.
- (9) A notice referred to in paragraph (6) must be addressed to the Department and given within 1 year after joining the 2015 Scheme.”.

### **New regulation 97D**

7. After regulation 97C (Interest and administration charges: late paid contributions)<sup>(5)</sup>, add—

#### **“Benefit information statements**

97D.—(1) The Department must provide a benefit information statement to each member in accordance with—

- (a) section 14 (Information about benefits) of the 2014 Act; and
  - (b) any Department of Finance and Personnel directions given from time to time pursuant to that section.
- (2) Paragraph (1) does not provide a right for a member to request a benefit information statement.
- (3) The Department is only required to provide a member with one benefit statement per scheme year.
- (4) A benefit information statement provided pursuant to paragraph (1) is to be treated as though it is the information mentioned in regulation 16(2)(a) of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 2014<sup>(6)</sup> for the purposes of determining whether or not information must be given under regulation 16(1) of those Regulations.”.

### **Amendment of Schedule 2**

8. For paragraph 17A of Schedule 2<sup>(7)</sup>, substitute—

“17A. Regulation 49(14)<sup>(8)</sup> is modified so that—

- (a) paragraph (b) in the definition of “HSC employment” reads—
  - “(b) the 2015 Scheme and that member has a break of service under the 2015 Regulations that exceeds five years.”; and
- (b) the definition of “regular employment of like duration” reads—
  - ““regular employment of like duration” means such employment as the Department considers would involve a similar level of engagement to the member’s superannuable service as a practitioner immediately before that service ceased.”.”

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<sup>(5)</sup> Regulation 97C was inserted by [S.R. 2015 No.121](#), regulation 14

<sup>(6)</sup> [S.R. 2014 No.79](#)

<sup>(7)</sup> Paragraph 17A was inserted by [S.R. 2008 No.163](#), regulation 63

<sup>(8)</sup> See paragraph 5