
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 33

HEALTH AND PERSONAL SOCIAL SERVICES
PUBLIC SERVICE PENSIONS

**The Health and Social Care Pension Scheme
(Amendment) Regulations (Northern Ireland) 2023**

Made - - - - *9 March 2023*
Coming into operation *1 April 2023*

The Department of Health makes the following Regulations in exercise of the powers conferred by Articles 12(1), (2) and (3), and 14(1) and (2) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972 and sections 1(1) and (2)(e), 2(1) and 3(1) to (3) of, and paragraph 5 of Schedule 2 and Schedule 3 to, the Public Service Pensions Act (Northern Ireland) 2014⁽¹⁾ (“2014 Act”).

In accordance with Article 12(4) of the Superannuation (Northern Ireland) Order 1972 and sections 21(1) and 22(2)(a) of the 2014 Act, the Department has consulted the representatives of such persons as appear to the Department likely to be affected by these Regulations with a view to reaching agreement with them.

In accordance with section 22(2)(b) of the 2014 Act, the Department has laid a report before the Assembly.

In accordance with Article 12(1) of the Superannuation (Northern Ireland) Order 1972 and 3(5) of the 2014 Act the Regulations are made with the consent of the Department of Finance.

PART 1

Introductory

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023.

(2) These Regulations come into operation on 1 April 2023 and have effect as provided by paragraphs (3) to (5).

(1) 2014 c.2 (N.I.)

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023. (See end of Document for details)

- (3) Part 2, Part 3, and regulations 18, 19, 22, 25 and 26 have effect from 15 March 2015.
 (4) Part 6 has effect from 1 April 2022.
 (5) Regulations 20, and 21 and Part 5 have effect from 1 November 2022.

Commencement Information

- I1** Reg. 1 in operation at 1.4.2023, see [reg. 1\(2\)](#)

PART 2

Amendment of the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995

General

2. The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(2) are amended as follows.

Commencement Information

- I2** Reg. 2 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 2

3. In regulation 2 (interpretation), at the appropriate place insert—
 ““shared parental leave” means leave under section 107E or 107G of the Employment Rights (Northern Ireland) Order 1996.”

Commencement Information

- I3** Reg. 3 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 65

4. In regulation 65 (absence because of illness or injury or certain types of leave)(3) in paragraphs (1) and (4)(b) after “parental leave” insert “, shared parental leave”.

Commencement Information

- I4** Reg. 4 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

- (2) [S.R. 1995 No.95](#) as amended by [S.R. 1997 Nos.217 and 390](#); [S.R. 1998 No.299](#); [S.R. 1999 No.293](#); [S.R. 2002 No.69](#); [S.R. 2004 Nos.103 and 104](#); [S.R. 2005 Nos.155, 533, 534 and 565](#); [S.R. 2006 Nos.159 and 410](#); [S.R. 2008 Nos.96, 130 and 163](#); [S.R. 2009 Nos.65 and 188](#); [S.R. 2010 Nos.22, 286 and 420](#); [S.R. 2011 No.256](#); [S.R. 2012 Nos.42 and 78](#); [S.R. 2013 Nos.40, 73, 247 and 259](#); [S.R. 2014 Nos.59 and 225](#); [S.R. 2015 Nos.56, 121 and 122](#); [S.R. 2016 No.384](#) and [S.R. 2019 No.62](#).
 (3) Regulation 65 is amended by [S.R. 2005 No.155](#); [S.R. 2008 No.130](#); [S.R. 2010 No.22](#);

PART 3

Amendments to the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008

General

5. The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008⁽⁴⁾ are amended as follows.

Commencement Information

I5 Reg. 5 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 6

6. In regulation 6 (interpretation: general) at the appropriate place insert—
““shared parental leave” means leave under section 107E or 107G of the Employment Rights (Northern Ireland) Order 1996.”

Commencement Information

I6 Reg. 6 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 9

7. In regulation 9 (pensionable service: breaks in service)⁽⁵⁾—
(a) in paragraph (1)(e) after “parental leave,” insert “shared parental leave,”;
(b) in paragraph (7) after “parental leave,” insert “shared parental leave,”.

Commencement Information

I7 Reg. 7 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 14

8. In regulation 14 (pensionable pay: breaks in service) ⁽⁶⁾ in paragraph (1)(e) after “parental leave,” insert “shared parental leave,”.

Commencement Information

I8 Reg. 8 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

(4) [S.R. 2008 No.256](#) as amended by [S.R. 2009 Nos.65 and 188](#); [S.R. 2010 Nos.22, 286 and 420](#); [S.R. 2011 No.256](#); [S.R. 2012 Nos.42 and 78](#); [S.R. 2013 Nos.40, 73, 247 and 259](#); [S.R. 2014 Nos.59 and 225](#); [S.R. 2015 Nos.56, 121 and 122](#); [S.R. 2016 No.384](#) and [S.R. 2019 No.62](#)

(5) Regulation 9 is amended by [S.R. 2009 No.65](#); [S.R. 2010 No.22](#); [S.R. 2013 No.40](#);

(6) Regulation 14 is amended by [S.R. 2009 No.65](#); [S.R. 2009 No.188](#); [S.R. 2010 No.22](#);

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023. (See end of Document for details)

Amendment of regulation 35

9. In regulation 35 (effect of member being absent or leaving and rejoining this Section of the Scheme during the contribution option period the Scheme during the contribution option period)(7) in paragraph (1)(e) after “parental leave,” insert “shared parental leave,”.

Commencement Information

I9 Reg. 9 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 89

10. In regulation 89 (death during period of absence)—
- (a) at the end of sub-paragraph (d) omit “or parental leave,”.
 - (b) after sub-paragraph (d) insert—
 - “(e) parental leave or shared parental leave,”

Commencement Information

I10 Reg. 10 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 137

11. In regulation 137 (interpretation), at the appropriate place insert—
- ““shared parental leave” means leave under section 107E or 107G of the Employment Rights (Northern Ireland) Order 1996.”

Commencement Information

I11 Reg. 11 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 140

12. In regulation 140 (pensionable service: breaks in service)(8)—
- (a) in paragraph (1) after “parental leave,” insert “shared parental leave,”;
 - (b) in paragraph (7) after “parental leave,” insert “shared parental leave,”.

Commencement Information

I12 Reg. 12 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 143

13. In regulation 143 (meaning of “pensionable earnings”)(9)
- (a) in paragraph(4)(b) after “parental leave,” insert “shared parental leave,”;

(7) Regulation 35 is amended by [S.R. 2010 No.22](#);

(8) Regulation 140 is amended by [S.R. 2009 No.65](#); [S.R. 2010 No.22](#);

(9) Regulation 143 is amended by [S.R. 2009 No.65](#); [S.R. 2010 No.22](#); [S.R. 2013 No.40](#);

(b) in paragraph(5)(b) after “parental leave,” insert “shared parental leave,”.

Commencement Information

I13 Reg. 13 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 144

14. In regulation 144 (pensionable earnings: breaks in service) **(10)**in paragraph (1)(e) after “parental leave,” insert “shared parental leave,”.

Commencement Information

I14 Reg. 14 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 166

15. In regulation 166 (effect of member being absent or leaving and rejoining this Section of the scheme during the contribution option period)**(11)** in paragraph (1)(e) after “parental leave” insert “or shared parental leave”.

Commencement Information

I15 Reg. 15 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 216

16. In regulation 216 (death during period of absence)—

(a) at the end of sub-paragraph (d) omit “or parental leave,”.

(b) after sub-paragraph (d) insert—

“(e) parental leave or shared parental leave,”

Commencement Information

I16 Reg. 16 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

(10) Regulation 144 is amended by [S.R. 2009 No.65](#); [S.R. 2010 No.22](#); [S.R. 2013 No.40](#); [S.R. 2013 No.259](#);

(11) Regulation 166 is amended by [S.R. 2010 No.22](#);

PART 4

Amendments to the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015

General

17. The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015(12) are amended as follows.

Commencement Information

I17 Reg. 17 in operation at 1.4.2023, see [reg. 1\(2\)](#)

Amendment of regulation 21

18. In regulation 21 (absence from work) in paragraph (1)(e) after “parental leave,” insert “shared parental leave, or”.

Commencement Information

I18 Reg. 18 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 28

19. In regulation 28 (pensionable earnings: break in service) in paragraph (2)(e) after “parental leave,” insert “shared parental leave, or”.

Commencement Information

I19 Reg. 19 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 30

20.—(1) Regulation 30 (Members’ contributions: employees)(13) is amended as follows.

(2) In paragraph (3)—

- (a) after “the scheme year 2022/23” insert “(from 1 November 2022) and scheme year 2023/24 and each subsequent scheme year;
- (b) for the table in paragraph (3), substitute—

(12) [S.R. 2015 No.120](#) as amended by [S.R. 2016 No.384](#); [S.R. 2019 No.62](#); [S.R. 2022 No.153](#); [S.R. 2022 No.156](#); [S.R. 2022 No.196](#); [S.R. 2022 No.244](#) and [S.R. 2022 No.245](#).

(13) Regulation 30 as amended by [S.R. 2019 No.62](#), regulation 14 and [S.R. 2022 No.244](#).

“Table Scheme Year 2022/23 (from 1 November 2022) and Scheme Year 2023/24 and each subsequent scheme year.

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,246	5.1%
£13,247 to £16,831	5.7%
£16,832 to £22,878	6.1%
£22,879 to £23,948	6.8%
£23,949 to £28,223	7.7%
£28,224 to £29,179	8.8%
£29,180 to £43,805	9.8%
£43,806 to £49,245	10.0%
£49,246 to £56,163	11.6%
£56,164 to £72,030	12.5%
£72,031 and above	13.5%”

(3) In paragraph (3A)—

- (a) after “the scheme year 2022/23” insert “(from 1 November 2022) and scheme year 2023/24 and each subsequent scheme year”;
- (b) for the table in paragraph (3A), substitute—

“Table Scheme Year 2022/23 (from 1 November 2022) and Scheme Year 2023/24 and each subsequent scheme year

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,246	5.1%
£13,247 to £16,831	5.7%
£16,832 to £22,878	6.1%
£22,879 to £23,948	6.8%
£23,949 to £28,223	7.7%
£28,224 to £29,179	8.8%
£29,180 to £43,805	9.8%
£43,806 to £49,245	10.0%
£49,246 to £56,163	11.6%
£56,164 to £72,030	12.5%

*Status: Point in time view as at 01/04/2023.**Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023. (See end of Document for details)*

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
£72,031 and above	13.5%”

Commencement Information**I20** Reg. 20 in operation at 1.4.2023 with effect in accordance with reg. 1(5), see [reg. 1\(2\)](#)**Amendment of regulation 31**

21.—(1) Regulation 31 (members’ contributions: practitioners and non-GP providers)(**14**) is amended as follows.

(2) In paragraph (9)—

- (a) in sub-paragraph (a), for “each scheme year from 2015/16 to 2021/22, Table 1” substitute “the scheme year 2022/23, Table 1A and Table 1B as applicable”;
- (b) in sub-paragraph (b), for “the scheme year 2022/23” substitute “scheme year 2023/24 and each subsequent scheme year”
- (c) for the heading “Table 1 Scheme Years from 2015/16 to 2021/22” substitute “Table 1A Scheme Year 2022/23 from 1 April 2022 to 31stOctober 2022 (both dates inclusive)”;
- (d) after Table 1, insert—

**“Table 1B Scheme Year 2022/23 from 1 November
2022 to 31 March 2023 (both dates inclusive)**

<i>Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,246	5.1%
£13,247 to £16,831	5.7%
£16,832 to £22,878	6.1%
£22,879 to £23,948	6.8%
£23,949 to £28,223	7.7%
£28,224 to £29,179	8.8%
£29,180 to £43,805	9.8%
£43,806 to £49,245	10.0%
£49,246 to £56,163	11.6%
£56,164 to £72,030	12.5%
£72,031 and above	13.5%”

- (e) in the heading for Table 2, for “Year 2022/23” substitute “Year 2023/24 and each subsequent scheme year”.

(14) Regulation 31 was amended by [S.R. 2019 No.62](#); [S.R. 2022 No.244](#);

(f) For Table 2, substitute—

<i>“Column 1</i>	<i>Column 2</i>
<i>Pensionable earnings band</i>	<i>Contribution percentage rate</i>
Up to £13,246	5.1%
£13,247 to £16,831	5.7%
£16,832 to £22,878	6.1%
£22,879 to £23,948	6.8%
£23,949 to £28,223	7.7%
£28,224 to £29,179	8.8%
£29,180 to £43,805	9.8%
£43,806 to £49,245	10.0%
£49,246 to £56,163	11.6%
£56,164 to £72,030	12.5%
£72,031 and above	13.5%”

Commencement Information

I21 Reg. 21 in operation at 1.4.2023 with effect in accordance with reg. 1(5), see [reg. 1\(2\)](#)

Amendment of regulation 67

22. In regulation 67 (effect of being absent or leaving and rejoining scheme during contributions payment period) in paragraph (1)(e) after “parental leave” insert “or shared parental leave”.

Commencement Information

I22 Reg. 22 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of regulation 104

23. In regulation 104 (previous earnings: general), in paragraph (7), in the definition of “re-valued pensionable earnings”, omit “and Personnel” and after “by order” insert “(in respect of the HSC Pension Scheme 2015)”.

Commencement Information

I23 Reg. 23 in operation at 1.4.2023, see [reg. 1\(2\)](#)

Amendment of Schedule 7

24.—(1) Schedule 7 (pension accounts) is amended as follows.

(2) (2) In paragraph 1 (interpretation)—

(a) for the definition of “index adjustment” substitute—

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023. (See end of Document for details)

““index adjustment” means—

- (a) in relation to the opening balance of earned pension for a scheme year (other than the opening balance of club transfer earned pension), the percentage increase or decrease in prices specified in an order (in respect of the HSC Pension Scheme 2015) made by the Department of Finance under section 9(2) of the 2014 Act in relation to the previous scheme year, plus 1.5%; and
- (b) in relation to the opening balance of club transfer earned pension for a scheme year, the adjustment that is—
 - (i) equal to the adjustment that would apply to the opening balance of that amount of earned pension under the sending scheme for the previous scheme year, and;
 - (ii) applied to the opening balance of club transfer earned pension on the same day as the percentage increase or decrease referred to in paragraph (a).”

- (b) in the definition of “AP index adjustment”, after “in an order”, insert “(in respect of the HSC Pension Scheme 2015)” and omit “and Personnel”.

(3) In paragraph 3 (meaning of “leaver index adjustment”)—

- (a) in sub-paragraph (1), in Step 1, after “in an order”, insert “(in respect of the HSC Pension Scheme 2015)” and omit “and Personnel”;
- (b) for sub-paragraph (2), substitute—

“(2) Subject to sub-paragraph (2A), the leaver index adjustment for an amount of club transfer accrued earned pension is—

- (a) equal to the adjustment that would apply under the sending scheme to an amount of accrued earned pension equal to the amount of club transfer accrued earned pension specified in the active member’s account at the end of the relevant last day; and
- (b) applied to the amount of club transfer earned pension at the end of the relevant last day on the same day as the percentage increase or decrease referred to in the definition of index adjustment in paragraph 1(a).”.

(c) after paragraph (b) insert –

“(2A) If the amount of the leaver index adjustment under sub-paragraph (1) or (2) is an amount that is less than zero, the amount of the leaver index adjustment for the purposes of that sub-paragraph paragraphs is zero.”

(4) In paragraph 4 (meaning of “leaver AP index adjustment”), in sub-paragraph (2)(b), after “in an order”, insert “(in respect of the HSC Pension Scheme 2015)” and omit “and Personnel”.

Commencement Information

I24 Reg. 24 in operation at 1.4.2023, see [reg. 1\(2\)](#)

Amendment of Schedule 8

25. In Schedule 8 (practitioner income) in paragraph 3—

- (a) in sub-paragraph (3)(b) after “parental leave,” insert “shared parental leave,”;
- (b) in sub-paragraph (4)(b) after “parental leave,” insert “shared parental leave,”.

Commencement Information

I25 Reg. 25 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

Amendment of Schedule 13

26. In Schedule 13(15) (definitions)—

- (a) at the appropriate place in Column 1, insert “shared parental leave”, and for the corresponding entry in Column 2 insert “means leave under section 107E or 107G of the Employment Rights (Northern Ireland) Order 1996;

Commencement Information

I26 Reg. 26 in operation at 1.4.2023 with effect in accordance with reg. 1(3), see [reg. 1\(2\)](#)

PART 5

Modifications of member contribution provisions in the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015

General

27. The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015(16) are modified in accordance with this Part.

Commencement Information

I27 Reg. 27 in operation at 1.4.2023 with effect in accordance with reg. 1(5), see [reg. 1\(2\)](#)

Expiry of modifications in this Part

28. The modifications in this Part apply until the end of 31 March 2024.

Commencement Information

I28 Reg. 28 in operation at 1.4.2023 with effect in accordance with reg. 1(5), see [reg. 1\(2\)](#)

Modification of regulation 31

29. Regulation 31 (members’ contributions: practitioners and non-GP providers)(17) is to be read as if—

- (a) in paragraph (3), for “the scheme year in question” there were substituted “each relevant period of the scheme year 2022/23 and for the scheme year 2023/24”;

(15) Schedule 13 is amended by S.R. 2016 No.384; S.R. 2022 No.196;

(16) S.R. 2015 No.120 as amended by S.R. 2016 No.384; S.R. 2019 No.62; S.R. 2022 No.153; S.R. 2022 No.156; S.R. 2022 No.196; S.R. 2022 No.244 and S.R. 2022 No.245.

(17) Regulation 31 was amended by S.R. 2019 No.62; S.R. 2022 No.244

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023. (See end of Document for details)

- (b) after paragraph (9), there were inserted—
- “(9A) For the purposes of this regulation, the “relevant period of the scheme year 2022/23” means the period—
- (a) beginning with 1 April 2022 and ending with 31 October 2022 (both dates inclusive);
- (b) beginning with 1 November 2022 and ending with 31 March 2023 (both dates inclusive).”;
- (c) in paragraph (10), at the end, there were inserted “and references to the relevant period of the scheme year 2022/23 in regulations 37 and 38 must be construed in accordance with paragraph (9A)”.

Commencement Information

I29 Reg. 29 in operation at 1.4.2023 with effect in accordance with reg. 1(5), see [reg. 1\(2\)](#)

Modification of regulation 37

30. Regulation 37 (members’ contributions: supplementary: medical practitioners and non-GP providers)(**18**) is to be read as if—

- (a) in paragraph (2)—
- (i) in the words before sub-paragraph (a), for “a scheme year” there were substituted “each relevant period of the scheme year 2022/23”;
- (ii) in sub-paragraph (b), after “M’s pensionable earnings for” there were inserted “each relevant period of”.
- (b) after paragraph (2), there were inserted—
- “(2A) Paragraph (3A) applies if, in respect of the scheme year 2022/23, M—
- (a) has certified M’s pensionable earnings in accordance with Part 1 of Schedule 10 and forwarded a record of the earnings to the Department; or
- (b) was not required to certify M’s earnings in accordance with Part 1 of Schedule 10 but the Department has the figure that represents M’s pensionable earnings for that year.”;
- (c) in paragraph (3)—
- (i) in the words before sub-paragraph (a), for “the scheme year in question” there were substituted “each relevant period of the scheme year 2022/23”;
- (ii) for sub-paragraph (a), there were substituted—
- “(a) certified or final pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 uprated according to the formula:

$$\frac{PE}{NDRP} \times 365$$

where—

PE is the certified or final amount of M's pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23;

NDRP is the number of days of M's group D service in each relevant period of the scheme year 2022/23; and";

(iii) in sub-paragraph (b)—

(aa) after "received" there were inserted "for each relevant period of the scheme year 2022/23";

(bb) at the end, there were inserted—

“

and the pensionable earnings to which the contribution rate is applied for each relevant period of the scheme year 2022/23 are M's certified or final pensionable earnings from all group D sources for the relevant period”.

(d) after paragraph (3), there were inserted—

“(3A) If paragraph (3) does not apply to M in respect of the scheme year 2022/23, M's contributions payable for each relevant period of the scheme year 2022/23 are those specified in column 2 of the relevant table in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to the aggregate of—

(a) the pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 determined by applying the formula:

$$\frac{PE}{NDPS} \times NDRP$$

where—

PE is the certified or final amount of M's pensionable earnings from all group D sources for the scheme year 2022/23;

NDPS is the number of days of M's group D service in the scheme year 2022/23;

NDRP is the number of days of M's group D service in each relevant period of the scheme year 2022/23,

and uprated according to the formula:

$$\frac{PE}{NDRP} \times 365$$

where—

PE is M's pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 determined in accordance with this paragraph;

NDRP is the number of days of M's group D service in each relevant period of the scheme year 2022/23; and

(b) any additional pensionable earnings M is treated as having received for each relevant period of the scheme year 2022/23 during an absence from work in accordance with regulation 28,

and the pensionable earnings to which the contribution rate is applied for each relevant period of the scheme year 2022/23 are determined by applying the formula:

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023. (See end of Document for details)

$$\frac{PE}{NDPS} \times NDRP$$

where—

PE is the certified or final amount of M’s pensionable earnings from all group D sources for the scheme year 2022/23;

NDPS is the number of days of M’s group D service in the scheme year 2022/23;

NDRP is the number of days of M’s group D service in each relevant period of the scheme year 2022/23.”;

- (e) in paragraph (4), in the words before sub-paragraph (a), for “paragraph (3) does” there were substituted “paragraphs (3) or (3A) do”;
- (f) in paragraph (5)—
 - (i) for “paragraph (2)(a) or (b) is”, there were substituted “paragraphs (2)(a) or (b) or (2A)(a) or (b) are”;
 - (ii) for “paragraph (3)” there were substituted “paragraphs (3) or (3A)”.

Commencement Information

I30 Reg. 30 in operation at 1.4.2023 with effect in accordance with reg. 1(5), see [reg. 1\(2\)](#)

Modification of regulation 38

31. Regulation 38 (members’ contributions: supplementary: dental practitioners)(**19**) is to be read as if—

- (a) in paragraph (2)—
 - (i) in the words before sub-paragraph (a), for “a scheme year” there were substituted “each relevant period of the scheme year 2022/23”;
 - (ii) in sub-paragraph (b), after “M’s pensionable earnings for” there were inserted “each relevant period of”.
- (b) after paragraph (2), there were inserted—
 - “(2A) Paragraph (3A) applies if, in respect of the scheme year 2022/23, M—
 - (a) has reconciled or certified M’s pensionable earnings in accordance with Part 1 of Schedule 10 and forwarded a record of those earnings to the Department; or
 - (b) was not required to reconcile or certify M’s earnings in accordance with Part 1 of Schedule 10 but the Department has the figure that represents M’s pensionable earnings for the scheme year.”;
- (c) in paragraph (3)—
 - (i) in the words before sub-paragraph (a), for “the scheme year in question” there were substituted “each relevant period of the scheme year 2022/23”;
 - (ii) for sub-paragraph (a), there were substituted—

- “(a) reconciled, certified or final pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 uprated according to the formula:

$$\frac{PE}{NDRP} \times 365$$

where—

PE is the reconciled, certified or final amount of the dental practitioner’s pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23;

NDRP is the number of days of dental practitioner service in each relevant period of the scheme year 2022/23; and”;

- (iii) in sub-paragraph (b)—

(aa) after “received” there were inserted “for each relevant period of the scheme year 2022/23”;

(bb) at the end, there were inserted—

“

and the pensionable earnings to which the contribution rate is applied for each relevant period of the scheme year 2022/23 are M’s reconciled, certified or final pensionable earnings from all group D sources for the relevant period”.

- (d) after paragraph (3), there were inserted—

“(3A) If paragraph (3) does not apply to M in respect of the scheme year 2022/23, M’s contributions payable for each relevant period of the scheme year 2022/23 are those specified in column 2 of the relevant table in respect of the amount of pensionable earnings referred to in column 1 of that table which corresponds to the aggregate of—

- (a) the pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 determined by applying the formula:

$$\frac{PE}{NDPS} \times NDRP$$

where—

PE is the reconciled, certified or final amount of the dental practitioner’s pensionable earnings from all group D sources for the scheme year 2022/23;

NDPS is the number of days of dental practitioner service in the scheme year 2022/23;

NDRP is the number of days of dental practitioner service in each relevant period of the scheme year 2022/23,

and uprated according to the formula:

$$\frac{PE}{NDRP} \times 365$$

where—

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PE is M’s pensionable earnings from all group D sources for each relevant period of the scheme year 2022/23 determined in accordance with this paragraph;

NDRP is the number of days of dental practitioner service in each relevant period of the scheme year 2022/23; and

- (b) any additional pensionable earnings M is treated as having received for each relevant period of the scheme year 2022/23 during an absence from work in accordance with regulation 28,

and the pensionable earnings to which the contribution rate is applied for each relevant period of the scheme year 2022/23 are determined by applying the formula:

$$\frac{PE}{NDPS} \times NDRP$$

where—

PE is the reconciled, certified or final amount of the dental practitioner’s pensionable earnings from all group D sources for the scheme year 2022/23;

NDPS is the number of days of dental practitioner service in the scheme year 2022/23;

NDRP is the number of days of dental practitioner service in each relevant period of the scheme year 2022/23.”;

- (e) in paragraph (4), in the words before sub-paragraph (a), for “paragraph (3) does” there were substituted “paragraphs (3) or (3A) do”;
- (f) in paragraph (5)—
- (i) for “paragraph (2)(a) or (b) is”, there were substituted “paragraph (2)(a) or (b) or (2A)(a) or (b) are”;
- (ii) for “paragraph (3)” there were substituted “paragraph (3) or (3A)”.

Commencement Information

I31 Reg. 31 in operation at 1.4.2023 with effect in accordance with reg. 1(5), see [reg. 1\(2\)](#)

PART 6

Consequential Amendments in the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015

General

32. The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015(20) are amended as follows.

(20) S.R. 2015 No.120 as amended by S.R. 2016 No.384; S.R 2019 No.62; S.R 2022 No.153; S.R 2022 No.156; S.R 2022 No.196; S.R 2022 No.244 and S.R 2022 No.245.

Commencement Information

I32 Reg. 32 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of regulation 31

33. In regulation 31(5), (7)(b) and (8) in each place for “RHSCB” substitute “Department”.

Commencement Information

I33 Reg. 33 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of regulation 32

34. In the table in regulation 32(6) and in regulation 32(8) for “RHSCB” substitute “Department”.

Commencement Information

I34 Reg. 34 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of regulation 37

35. In regulation 37(2)(a) and (b), (4) and (6) for “RHSCB” substitute “Department”.

Commencement Information

I35 Reg. 35 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of regulation 38

36. In regulation 38(2)(a) and (b), (4) and (6) in each place for “RHSCB” substitute “Department”.

Commencement Information

I36 Reg. 36 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of regulation 83

37. In regulation 83(4)(b)(ii) for “RHSCB” substitute “Department”.

Commencement Information

I37 Reg. 37 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023. (See end of Document for details)

Amendment of regulation 149

38. In regulation 149(2)(b) and (c), (3)(f) and (g) (in both places), (5), (6), (7)(a), (9)(in both places), (10)(a) and (11)(a) for “RHSCB” substitute “Department”.

Commencement Information

I38 Reg. 38 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of regulation 150

39. In regulation 150(10) for “RHSCB” substitute “Department”.

Commencement Information

I39 Reg. 39 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of Schedule 5

40. In Schedule 5 omit paragraph 1(b).

Commencement Information

I40 Reg. 40 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of Schedule 8

41. In Schedule 8 for “RHSCB” substitute “Department” in—

- (a) paragraph 1, the definition of “collaborative services” (in both places) and “commissioned services”;
- (b) paragraph 3(3);
- (c) paragraphs 6(2), (4)(c), (5)(a) and (7).

Commencement Information

I41 Reg. 41 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of Schedule 10

42. In Schedule 10 for “RHSCB” substitute “Department” in—

- (a) paragraph 1(2);
- (b) paragraph 2(2);
- (c) paragraph 3(1);
- (d) paragraph 4(1), (3) and (4) (in both places);
- (e) paragraph 7(1)(b) (in both places), (2), (3)(a) and (b), (4)(a) and (b) (in each place), (5) (b) (in both places), (6)(a) and (b) (in each place), (7), (8)(in both places), (9)(a) (in both places) and (b), (10) and (11);
- (f) the heading and text of paragraph 9;

(g) paragraph 10(2)(a).

Commencement Information

I42 Reg. 42 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Amendment of Schedule 13

43. In Schedule 13(21) (definitions) omit the definition of “RHSCB”

44. In Schedule 13 for “RHSCB substitute “Department” in the definition of—

- (a) APMS contract;
- (b) APMS contractor;
- (c) GMS practice;
- (d) locum Practitioner.

Commencement Information

I43 Reg. 43 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

I44 Reg. 44 in operation at 1.4.2023 with effect in accordance with reg. 1(4), see [reg. 1\(2\)](#)

Sealed with the Official Seal of the Department of Health on 9 March 2023



Philip Rodgers
A senior officer of the
Department of Health

Status: Point in time view as at 01/04/2023.

Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023. (See end of Document for details)

The Department of Finance consents to the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance on 9 March 2023



Patrick Neeson
A senior officer of the
Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (S.R. [1995 No.95](#)) (“the 1995 Regulations”), Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008 ([S.R. 2008 No.256](#)) (“the 2008 regulations”), Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015 ([S.R. 2015 No.120](#)) (“the 2015 Regulations”).

Part 1 provides for citation, commencement and effect, including that some provisions of this rule are to take effect retrospectively. Article 14(1) of the Superannuation (Northern Ireland) Order 1972 and section 3(3) of the Public Service Pensions Act (Northern Ireland) 2014 provide authority for these regulations to take effect as a date earlier than the making of these Regulations.

Parts 2 and 3 make amendments to the 1995 Regulations and the 2008 Regulations, by including income from shared parental leave within pensionable pay.

Part 4 similarly amends the 2015 Regulations in relation to shared parental leave. It also amends these regulations to update the member contribution tiers in line with the AfC pay award and to make technical amendments in relation to the calculation of the index adjustment of member balances.

Part 5 makes temporary technical amendments in relation to the calculation of practitioner contribution rates paid by members.

Part 6 removes references to the Regional Health and Social Care Board (which ceased to exist from 1 April 2022) and replaces these with references to the Department.

Status:

Point in time view as at 01/04/2023.

Changes to legislation:

There are currently no known outstanding effects for the The Health and Social Care Pension Scheme (Amendment) Regulations (Northern Ireland) 2023.