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STATUTORY RULES OF NORTHERN IRELAND

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**2022 No. 196**

**The Health and Social Care Pension Schemes,  
Additional Voluntary Contributions and Injury Benefits  
(Amendment) Regulations (Northern Ireland) 2022**

**PART 6**

**Amendments to the Health and Personal Social Services  
(Injury Benefits) Regulations (Northern Ireland) 2001**

**General**

**73.** The Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001<sup>(1)</sup> are amended as provided by regulations 74 to 79.

**Amendment of regulation 2**

- 74.**—(1) Regulation 2 (Interpretation) is amended as provided by paragraphs (2) and (3)
- (2) At the appropriate place in alphabetical order insert—
- ““scheme partner” has the meaning given in regulation 2C;”;
- ““surviving scheme partner” has the meaning given in regulation 2D;”.
- (3) In the definition of “surviving partner” for “nominated partner” substitute “scheme partner”.

**New regulations 2C and 2D**

**75.** After regulation 2B (Meaning of average remuneration)<sup>(2)</sup> insert—

**“Meaning of scheme partner**

**2C.** A person (person B) is the “scheme partner” of a person to whom these regulations apply (person A) if—

- (a) person A and person B are living together as if they were husband and wife or civil partners,
- (b) person A and person B are not prevented from marrying or entering into a civil partnership,
- (c) person A and person B are financially interdependent or person B is financially dependent on person A, and

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(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](#) and [S.R. 2015 No.121](#)

(2) Regulation 2B was inserted by [S.R. 2015 No.121](#), regulation 45

- (d) neither person A nor person B is living with a third person as if they were husband and wife or civil partners.

### **Meaning of surviving scheme partner**

**2D.** A person (person B) is a “surviving scheme partner” of a person to whom these regulations apply (person A) if the Department is satisfied that for a continuous period of at least two years, ending with person A’s death, person B was the scheme partner of person A.”.

### **Amendment of regulation 8**

**76.**—(1) Regulation 8 (Surviving partner allowances)(3) is amended as provided by paragraphs (2) and (3)

(2) For paragraph (3) substitute—

“(3) Except if paragraph (3A) applies, a surviving partner is not entitled to receive an allowance—

- (a) if the marriage took place or the civil partnership was formed after the later of the date on which—
- (i) the deceased last ceased to be employed as person to whom these Regulations apply; or
  - (ii) the earning ability of the deceased was permanently reduced as a result of the injury or disease;
- (b) if the Department is not satisfied that the deceased’s partner was the deceased’s scheme partner for a continuous period of at least two years ending with the later of the dates referred to in (a);
- (c) if at the date of the deceased’s death such surviving partner is not married or in a civil partnership but is living with another person as if married or in a civil partnership; or
- (d) in respect of any period after such surviving partner—
- (i) remarries or forms a civil partnership; or
  - (ii) during which she or he lives together with another person as if married to or in a civil partnership with that other person,

but where such relationship has terminated, the Department may restore an allowance to a surviving partner if the Department is satisfied that such surviving partner is suffering hardship.”.

(3) In paragraph (3A)(b), after “civil partnership” insert “with a person of the same sex”.

### **Amendment of regulation 9**

**77.** In regulation 9 (Child’s allowance)(4), in paragraph (2), in sub-paragraph (c), for “nominated partner” substitute “surviving scheme partner”.

(3) Regulation 8 as amended by S.R. 2005 No.533, regulation 4(2) and S.R. 2008 No.350, regulation 3(6)

(4) Regulation 9 as amended by S.R. 2005 No.533, regulation 4(3); S.R. 2008 No.350, regulation 3(7) and S.R. 2015 No.121, regulation 47

**Amendment of regulation 10**

78. In regulation 10 (Dependent relative's allowance)(5), in paragraph (1), in sub-paragraph (a), for "nominated partner's" substitute "surviving scheme partner's".

**Amendment of regulation 12**

79. In regulation 12 (Lump sum payment on death)(6), in paragraph (1), in sub-paragraph (b), for "nominated partner" substitute "surviving scheme partner".

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(5) Regulation 10 as amended by [S.R. 2005 No.533](#), regulation 4(4) and [S.R. 2008 No.350](#), regulation 3(8)

(6) Regulation 12 as amended by [S.R. 2005 No.533](#), regulation 4(5) and [S.R. 2008 No.350](#), regulation 3(9)