
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 65

The Health and Personal Social Services (Superannuation),
Health and Social Care (Pension Scheme) and Health and
Personal Social Services (Injury Benefits) (Amendment and
Transitional Provisions) Regulations (Northern Ireland) 2009

PART 1

AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES
(SUPERANNUATION) REGULATIONS (NORTHERN IRELAND) 1995

Amendment of the 1995 Regulations

2. The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995⁽¹⁾ shall be amended as provided by regulations 3 to 22.

Amendment of regulation 2

3. In regulation 2 (Interpretation)—

(a) at the appropriate place in alphabetical order, insert—

““the 2008 scheme” means the provisions of the Health and Social Care Superannuation Scheme the rules of which are set out in the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008;

“electronic communication” has the meaning given in section 15 of the Electronic Communications Act 2000⁽²⁾”;

(b) after the definition of “contracting-out requirements” insert—

““dentist performer” means a dentist who has undertaken to provide general dental services (GDS) and whose name is included in a list of dentists prepared by the Agency under regulation 4 of the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993⁽³⁾”;

(c) in the definition of “employing authority”, omit paragraph (g);

(d) after the definition of “final years superannuable pay” insert—

““GDS arrangements” means arrangements for the provision of general dental services under Article 61 of the 1972 Order”;

““GDS provider” is a person who is party to GDS arrangements”;

(1) 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 and S.R. 2008 Nos. 96, 130 and 163

(2) 2000 c. 7

(3) S.R. 1993 No. 326

- (e) after the newly inserted definition of “GDS provider”, insert—
 - ““general ophthalmic services” has the meaning given by regulation 2(1) of the General Ophthalmic Services Regulations (Northern Ireland) 2007(4);”;
- (f) after the definition of “GMS Practice” insert—
 - ““GOS arrangements” has the meaning given by regulation 13 of the General Ophthalmic Services Regulations (Northern Ireland) 2007;”;
- (g) in the definition of “host Health and Social Services Board”, for paragraph (b) substitute—
 - “(b) in respect of a registered medical practitioner means each Health and Social Services Board with whom the practitioner is contracted, or has entered into an agreement, to provide GMS or APMS services and, where appropriate, on whose medical performers list the practitioner’s name appears;”;
- (h) in the definition of “OOH services”, for “GMS practice to patients to whom the practice is required by its GMS contract” substitute “GMS practice or an APMS contractor to patients to whom the practice or contractor is required by his contract or agreement”;
- (i) after the definition of “OOH services”, insert—
 - ““ophthalmic provider” means a registered medical practitioner who is included in an ophthalmic list kept and published by the Agency pursuant to regulation 8(1) of the General Ophthalmic Services Regulations (Northern Ireland) 2007 (ophthalmic list);”;
- (j) for the newly inserted definition of “ophthalmic provider”, substitute—
 - ““ophthalmic provider” means a registered medical practitioner who is included in an ophthalmic list prepared and kept by the Agency pursuant to regulation 8(1) of the General Ophthalmic Services Regulations (Northern Ireland) 2007 and is a party to GOS arrangements;”;
- (k) in the definition of “practitioner” in paragraph (a) after “locum practitioner” insert “, ophthalmic provider.”.

Insertion of new regulation 2B

4. After regulation 2A insert—

“Change of name of HPSS employment

2B. In these Regulations for the words “HPSS employment” in every place where they occur substitute “HSC employment”.”.

Amendment of regulation 7

5.—(1) Regulation 7 (Restrictions on membership) is amended as provided by paragraphs (2) to (6).

- (2) In paragraph (1), for sub-paragraph (i) substitute—

- “(i) that person is a person who has been a member of the 2008 scheme;
- (j) that person is a person who—
 - (i) ceased to be in superannuable employment on or before 31st March 2008,
 - (ii) on so ceasing was entitled to a preserved pension in accordance with regulation 49,

- (iii) returns to HSC employment on or after 1st October 2008 and before returning exercises the member's right to transfer out all of that person's benefits in the scheme in accordance with regulation 53,
 - (iv) has had a break in superannuable employment for any one period of five years or more beginning with the day immediately following the cessation of employment referred to in paragraph (i) and ending on the day immediately before the employment referred to in paragraph (iii) commences, and
 - (v) is not in receipt of a pension under regulation 13 or 13A;
- (k) that person is a person who—
- (i) is entitled to a preserved pension in accordance with regulation 49,
 - (ii) returns to HSC employment on or after 1st October 2008,
 - (iii) has had a break in superannuable employment for any one period of five years or more beginning with the day immediately following the cessation of the superannuable employment in respect of which that person is entitled to the pension referred to in paragraph (i) and ending on the day immediately before the employment referred to in paragraph (ii) commences, and
 - (iv) is not in receipt of a pension under regulations 13 or 13A.”.
- (3) In paragraph (2)—
- (a) in paragraph (a), for “HSC Pension Scheme 2008” substitute “2008 scheme”;
 - (b) after sub-paragraph (b) add—
 - “(c) a reference to regulations 49, 50, 53 and 54 includes the equivalent of those regulations in a health service scheme the provisions of which correspond to the provisions of the superannuation scheme as set out in these Regulations.”.
- (4) For paragraph (3) substitute—
- “(3) The Department may permit a person who would otherwise not be permitted to join the scheme in accordance with sub-paragraph (1)(f), (g), (h) or (k) to do so if—
- (a) that person's HSC employment was transferred to another employer by virtue of—
 - (i) a transfer of undertakings or arrangements equivalent to a transfer of undertakings, and
 - (ii) at no time since that transfer (or the last of them if more than one) has the person had a break in superannuable employment for any one period of five years or more; or
 - (b) that person's employment is transferred to an employing authority by virtue of—
 - (i) a transfer of undertakings, or
 - (ii) arrangements equivalent to a transfer of undertakings,(whether or not the transferring employer is in the public sector provided that person's employment was originally transferred out of the public sector); and
 - (c) the employment from which the member is transferred—
 - (i) qualified the member for benefits under an occupational pension scheme, and
 - (ii) the rules of that scheme (in the opinion of the Department) entitle the member to receive benefits on retirement upon, or prior to, attaining the age of 60 years.”.

- (5) In paragraph (4) for “(3)(a)”, substitute “(3)”.
- (6) In paragraph (5) for “(3)(b)(ii)”, substitute “(3)(c)(ii)”.

Amendment of regulation 10

6. In regulation 10 (Contributions by members), in paragraph (2), after “may” insert “, with the consent of the Department of Finance and Personnel,”.

Amendment of regulation 13B

7. For paragraph (2)(b) of regulation 13B (Re-assessment of ill health condition determined under regulation 13A), substitute—

- “(b) the member provides further medical evidence to the Department relating to the satisfaction of the tier 2 condition at the date of the Department’s consideration and that further medical evidence is provided—
 - (i) in the case of a member who does not engage in further HSC employment during the three year period referred to in sub-paragraph (a), before the end of that period,
 - (ii) in the case of a member who does engage in further HSC employment during the three year period referred to in sub-paragraph (a), before the first anniversary of the day on which that employment commences or before the end of that period if sooner, and”.

Amendment of regulation 19

8.—(1) Regulation 19 (Member dies after pension becomes payable) is amended as provided by paragraphs (2) and (3).

- (2) In paragraph (1), for “If” substitute “Subject to paragraph (7), if”.
- (3) After paragraph (6) add—

“(7) Where a member referred to in paragraph (1) has attained the age of 75 at the date of the member’s death—

- (a) the lump sum referred to in that paragraph shall cease to be payable; and
 - (b) shall instead be converted into an annual pension to be determined and paid in accordance with paragraph (8).
- (8) The pension referred to in paragraph (7) shall be—
- (a) determined in accordance with guidance and tables provided by the Scheme actuary for the purpose of converting the amount of the lump sum into an annual pension;
 - (b) paid to the person who would otherwise be entitled to receive the lump sum in accordance with regulation 22; and
 - (c) paid to that person from the day after the member’s death until the fifth anniversary of the day the member’s pension under the scheme became payable.
- (9) If, in accordance with regulation 22, a member has given notice that more than one person is to receive a share of the lump sum, each such person shall receive the same percentage of the annual pension as was specified for that person in the member’s notice.

(10) If, in accordance with regulation 22, the annual pension is to be paid to the member’s personal representatives, they may, as part of the distribution of the member’s estate, give irrevocable notice to the Department—

- (a) specifying—
 - (i) one or more individuals, or
 - (ii) one incorporated or unincorporated body,to whom the benefit of the pension under this regulation from the date of the receipt of the notice by the Department is to be assigned; and
 - (b) where two or more individuals are specified, specifying the percentage of the pension payable to each of them,
- and the pension (or, as the case may be, the percentage of it specified in respect of the person) may be paid to the person or body, unless paragraph (11) applies.
- (11) This paragraph applies if—
 - (a) the person specified in the notice has died before payment has been made;
 - (b) payment to the person or body specified in the notice is not, in the opinion of the Department, reasonably practicable; or
 - (c) the person to whom the pension (or a specified percentage of the pension) would otherwise be payable has been convicted of an offence specified in regulation 93(1A) and the Department has directed, as a consequence of that conviction, that the person’s right to a payment in respect of the member’s death is forfeited.
 - (12) The prohibition on assignment of benefits in regulation 90 (Benefits not assignable) shall not apply to an assignment by personal representatives under this regulation.”.

Amendment of regulation 36

9.—(1) Regulation 36 (Member dies with preserved pension) is amended as provided by paragraphs (2) and (3).

- (2) In paragraph (2), for “34(2)” substitute “34(2A)”.
- (3) In paragraphs (4) and (5), omit “or (3)”.

Amendment of regulation 49

10. In regulation 49(14) (Preserved pension), insert (at the appropriate place in the alphabetical order)—

““HSC employment” does not include employment with an employing authority in respect of which the member is eligible to join the 2008 scheme;”.

Amendment of regulation 50

11. After regulation 50(2) (Refund of contributions), insert—

“(2A) An application in writing referred to in paragraph (2) may be—

- (a) made or given by means of an electronic communication that is approved by the Department for that purpose;
- (b) given to the Department by a person other than the member.”.

Amendment of regulation 55

12.—(1) Regulation 55 (Amount of member’s cash equivalent) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1), omit the words “, calculated and verified as required by Chapter IV of Part IV of the Pension Schemes (Northern Ireland) Act 1993 (transfer values)”.

(3) After paragraph (1), insert—

“(1A) The Department shall—

- (a) take advice from the Scheme actuary before determining the factors to be used in the calculation of the member’s guaranteed cash equivalent; and
- (b) calculate and verify the amount of the guaranteed cash equivalent in accordance with the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996⁽⁵⁾.”.

Insertion of new regulation 59

13. After regulation 58 (Special terms for transfers out (bulk transfers etc)) add—

“Member’s right to transfer a preserved pension to the 2008 Scheme

59.—(1) If a member meets the conditions referred to in paragraph (3), and subject to the following provisions of this regulation, a member may require the Department to use the cash equivalent of the member’s rights under the scheme referred to in these Regulations to acquire rights in the 2008 scheme.

(2) A member’s right to require the Department to use the cash equivalent of the member’s rights in the way referred to in paragraph (1) may only be exercised once.

(3) The conditions referred to in paragraph (1) are that the member—

- (a) is entitled to a deferred benefit under regulation 49;
- (b) may not join the scheme in respect of any further HSC employment by virtue of regulation 7(1)(k); and
- (c) becomes an active member of the 2008 scheme before attaining the age of 60.

(4) The Department shall provide a member to whom this regulation applies with a statement of the amount of the cash equivalent of the member’s benefits accrued in accordance with these Regulations at the guarantee date (“a statement of entitlement”).

(5) In this regulation “the guarantee date” means any date that—

- (a) falls within the required period;
- (b) is chosen by the Department;
- (c) is specified in the statement of entitlement; and
- (d) is within the period of 10 days ending with the date on which the member is provided with the statement of entitlement.

(6) In counting the period of 10 days referred to in paragraph (5)(d), Saturdays, Sundays, Christmas Day, New Year’s Day and Good Friday are excluded.

(7) In paragraph (5), “the required period” means—

- (a) the period of three months beginning with the date that the Department receives notification from the member’s employing authority that the member has joined the 2008 scheme; or
- (b) such longer period beginning with that date (but not exceeding six months) as may be reasonably required if, for reasons beyond the control of the Department,

the requisite information cannot be obtained to calculate the amount of the cash equivalent.

(8) Subject to paragraphs (9) to (11), the member's guaranteed cash equivalent shall be equal to the capitalised value of all of the member's rights to benefits accrued under these Regulations and any associated rights under Part I of the Pensions (Increase) Act (Northern Ireland) 1971⁽⁶⁾.

(9) The Department shall—

- (a) take advice from the Scheme actuary before determining the factors to be used in the calculation of the member's guaranteed cash equivalent; and
- (b) calculate and verify the amount of the guaranteed cash equivalent in accordance with the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996.

(10) Except in the case of a transfer payment accepted under regulation 62A (Transfers in respect of members to whom regulation 9A applies who elect to join or re-join the scheme), a member's cash equivalent will be at least equal to the amount of any transfer payments accepted in respect of the member under regulation 60(4) (which deals with the crediting of additional service upon transfer), plus the amount of the member's contributions to the scheme.

(11) Any part of the cash equivalent that relates to the service before 6th September 1988 will be calculated as described in the previous Regulations as applicable immediately before that date, if this would be more favourable to the member.

(12) A member who has received a statement of entitlement in accordance with paragraph (4) may apply to the Department for the cash equivalent of the member's rights under the scheme to be used to acquire rights under the 2008 scheme.

(13) An application under this regulation must be made in respect of each and every portion of the cash equivalent and shall be—

- (a) made in writing on the form provided for this purpose by the Department;
- (b) made before the end of the period of three months beginning with the guarantee date;
- (c) irrevocable.

(14) On the making of such an application—

- (a) a member becomes entitled to be credited with a period of pensionable service or an equivalent increase to the member's pensionable earnings in the 2008 scheme in respect of the cash equivalent value of the member's benefits under the scheme calculated in accordance with whichever of regulations 108A or 235A of the 2008 scheme apply to the member; and
- (b) the member's rights under the scheme are extinguished on the day that the member is credited with a period of pensionable service or pensionable earnings in accordance with regulation 108A or 235A (as the case may be) of the 2008 scheme."

Amendment of regulation 66

14. For paragraphs (1) and (2) of regulation 66 (Other leave of absence) substitute—

(6) 1971 c. 35 (N.I.)

“(1) If, on or after 1st April 2008, a member is on a leave of absence for reasons other than those referred to in regulation 65 the maximum period of such leave that will count as superannuable employment under this paragraph is—

- (a) where the member, for a continuous period of six months commencing with the member’s first day of leave of absence, pays to the scheme contributions due from the member in accordance with regulation 10, six months;
- (b) where the member, for a continuous period of less than six months commencing with the member’s first day of leave of absence, pays to the scheme contributions due from the member in accordance with regulation 10, the period in respect of which those contributions were paid.

(2) If, having paid contributions for the period referred to in paragraph (1)(a), a member remains on leave of absence for reasons other than those referred to in regulation 65 the maximum period of such leave that will count as superannuable employment under this paragraph is—

- (a) where the member pays to the scheme both contributions due from the member in accordance with regulation 10 and contributions due from the member’s employer in accordance with regulation 11 for a continuous period of 18 months commencing immediately after the expiry of the period referred to in paragraph (1)(a), 18 months;
- (b) where the member pays to the scheme both contributions due from the member in accordance with regulation 10 and contributions due from the member’s employer in accordance with regulation 11 for a continuous period of less than 18 months commencing immediately after the expiry of the period referred to in paragraph (1)(a), the period in respect of which those contributions were paid.”.

Amendment of regulation 85

15. For paragraph (2) of regulation 85 (Reduction of pension on return to HSC employment) substitute—

- “(2) A member to whom this regulation applies must—
- (a) inform the member’s employer, and any other person that the Department may specify, that the member’s pension under the scheme has become payable; and
 - (b) if requested to do so, provide any information (or authorise any other person to provide information) about the member’s pay from HSC employment to the Department or to any other person the Department may specify.”.

Amendment of regulation 87

16.—(1) Regulation 87 (Benefits on death in superannuable employment after pension under regulation 13 becomes payable) is amended as provided by paragraphs (2) and (3).

(2) In paragraph (1A)—

- (i) for “This regulation”, substitute “Subject to the modifications set out in paragraph (1B), this regulation”,
- (ii) in sub-paragraph (b)(iii), after “members)” insert “on or before 1st April 2008”.

(3) After paragraph (1A), add—

- “(1B) The modifications referred to in paragraph (1A) are—
- (a) in paragraph (3A), for “on the date of the member’s death” substitute “on the member’s last day of superannuable employment”;

- (b) in paragraph (7), for “superannuable pay when the member died” substitute “final year’s superannuable pay”;
- (c) in paragraph (8), for “the 6 months immediately following the member’s death” substitute “the 3 months immediately following the member’s death or the 6 months immediately following the member’s death if he leaves a dependent child”;
- (d) in paragraph (11), for “the 6 month period” substitute “the 3 month or, as the case may be, the 6 month period”;
- (e) in paragraph (12)—
 - (i) for “rate of superannuable pay when he died” substitute “final year’s superannuable pay”, and
 - (ii) for “at that time” substitute “when he died”.

(1C) Subject to the modifications set out in paragraph (1D), this regulation shall also apply to a member in respect of whom a pension is payable under regulation 13 (early retirement on grounds of ill-health) who—

- (a) returns to superannuable employment after that pension becomes payable; and
- (b) on the day the member dies, the member is—
 - (i) under the age of 75,
 - (ii) in HSC employment,
 - (iii) no longer required to pay contributions pursuant to regulation 10(3) or (4) (Contributions by members) on, or after, 2nd April 2008, and
 - (iv) except where regulation 77(6) applies, not in receipt of a pension under any of regulations 12 to 16 in respect of the member’s later service.

(1D) The modifications referred to in paragraph (1C) are—

- (a) in paragraph (3A), for “on the date of the member’s death” substitute “on the member’s last day of superannuable employment”;
- (b) in paragraph (7), for “superannuable pay when the member died” substitute “final year’s superannuable pay”;
- (c) in paragraph (12)—
 - (i) for “rate of superannuable pay when he died” substitute “final year’s superannuable pay”, and
 - (ii) for “at that time” substitute “when he died”.

Amendment of regulation 87A

17. In regulation 87A (Benefits on death in superannuable employment after pension under regulation 13A becomes payable) after paragraph (1), insert—

“(1A) Subject to the modifications set out in paragraph (1B), this regulation shall also apply to a member in respect of whom a pension is payable under regulation 13A who—

- (a) returns to superannuable employment after that pension becomes payable; and
- (b) on the day the member dies, the member is—
 - (i) under the age of 75,
 - (ii) in HSC employment,
 - (iii) no longer required to pay contributions pursuant to regulation 10(3) or (4) (Contributions by members), and

- (iv) except where regulation 77(6) applies, not in receipt of a pension under any of regulations 12 to 16 in respect of the member’s later service.
- (1B) The modifications referred to in paragraph (1A) are—
 - (a) in paragraph (6), for “on the date of the member’s death” substitute “on the member’s last day of superannuable employment”;
 - (b) in paragraph (10), for “rate of superannuable pay when the member died” substitute “final year’s superannuable pay”;
 - (c) in paragraph (15)(a), for “rate of superannuable pay when the member died” substitute “final year’s superannuable pay”;
 - (d) in paragraph (15)(b), for “at that time” substitute “when he died”.

Amendment of regulation 88

- 18.** For regulation 88 (Claims for benefits), substitute—

“Claims for benefits

88.—(1) A person claiming to be entitled to benefits under these Regulations (“the claimant”) shall make a claim in writing to the Department in such form as it may from time to time require.

(2) Pursuant to such a claim, the claimant and the member’s employing authority (including any previous employing authority of the member) shall provide such—

- (a) evidence of entitlement;
- (b) authority or permission as may be necessary for the release by third parties of information in their possession relating to the member or, where relevant, the claimant; and
- (c) other information the Department considers is relevant to the claim,

as the Department may from time to time require for the purposes of these Regulations.

(3) A claim referred to in paragraph (1) may be given to the Department by a person other than the claimant.

(4) The Department may accept any claim for benefits in relation to which this regulation applies, and any evidence, authority or permission given in connection with that claim, if it is made or given by means of an electronic communication that is approved by the Department for that purpose.”.

Amendment of regulation 93

- 19.** In regulation 93(1A)(Loss of rights to benefits)—

- (a) in sub-paragraph (a), after “widower” insert “, surviving nominated partner”;
- (b) in sub-paragraph (c)—
 - (i) after “notice” insert “or nomination”, and
 - (ii) for “22(3A)” substitute “22”.

Amendment of Schedule 2

- 20.**—(1) Schedule 2 (Medical and dental practitioners) is amended as provided by paragraphs (2) to (5).

(2) In paragraph 3 (Meaning of superannuable earnings), in sub-paragraph (2)(a)(vi), after “OOH provider” insert “or other employing authority providing OOH services”.

(3) In paragraph 9 (Officer service treated as practitioner service)—

(a) for sub-paragraph (1), substitute—

“(1) Subject to sub-paragraph (3), if a member does not have more than 10 years' officer service on first becoming a principal practitioner, the member's officer service before first becoming a principal practitioner will be treated as practitioner service.”;

(b) in sub-paragraph (5), omit “(Early retirement pension (ill-health))”;

(c) in sub-paragraph (5A), omit paragraph (b);

(d) in sub-paragraph (8), omit the words from “or a practitioner” to “a Health and Social Services Board”.

(4) In paragraph 10 (Contributions to the scheme)—

(a) in sub-paragraphs (2L) and (2U), for “determined in accordance with paragraph (2J)” substitute “as that which applied to the earlier employment”;

(b) in sub-paragraph (3)(a), for “70” substitute “75”.

(5) In sub-paragraph (2) of paragraph 23 (Accounts and actuarial reports)—

(a) for “provide the host”, substitute “provide each relevant host”;

(b) for “Inland Revenue” in each place, substitute “HM Revenue and Customs”.

21. In Schedule 2A (Pension sharing on divorce or nullity of marriage), after sub-paragraph (4) of paragraph 7 (Pension credit member dies after pension credit benefit becomes payable) add—

“(5) Where a pension credit member referred to in sub-paragraph (1) has attained the age of 75 at the date of pension credit member's death—

(a) the lump sum referred to in that paragraph shall cease to be payable; and

(b) shall instead be converted into an annual pension to be determined and paid in accordance with sub-paragraph (6).

(6) The pension referred to in sub-paragraph (5) shall be—

(a) determined in accordance with guidance and tables provided by the Scheme actuary for the purpose of converting the amount of lump sum into an annual pension;

(b) paid to the person who would otherwise be entitled to receive the lump sum in accordance with regulation 22; and

(c) paid to the person from the day after the pension credit member's death until the fifth anniversary of the day the pension credit member's pension under the scheme became payable.

(7) If, in accordance with regulation 22, a pension credit member has given notice that more than one person is to receive a share of the lump sum, each such person shall receive the same percentage of the annual pension as was specified for that person in the pension credit member's notice.

(8) If, in accordance with regulation 22, the annual pension is to be paid to the pension credit member's personal representatives they may, as part of the distribution of the credit member's estate, give irrevocable notice to the Department—

(a) specifying—

(i) one or more individuals, or

- (ii) one incorporated or unincorporated body, to whom the benefit of the pension under this regulation from the date of receipt of the notice by the Department is to be assigned; and
 - (b) where two or more individuals are specified, specifying the percentage of the pension payable to each of them, and the pension (or, as the case may be, the percentage of it specified in respect of the person) may be paid to the person or body, unless subparagraph (9) applies.
- (9) This paragraph applies if—
- (a) the person specified in the notice has died before payment can be made;
 - (b) payment to the person or body specified in the notice is not, in the opinion of the Department, reasonably practicable; or
 - (c) the person to whom the pension (or a specified percentage of the pension) would otherwise be payable has been convicted of an offence specified in regulation 93(1A) and the Department has directed, as a consequence of that conviction, that the person's right to a payment in respect of the pension credit member's death is forfeited.
- (10) The prohibition on assignment of benefits in regulation 90 (Benefits not assignable) shall not apply to an assignment by personal representatives under this regulation.”.

Revocation

22. In the Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 2008(7), regulation 2(4) is revoked.