
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 22

The Health and Personal Social Services (Superannuation Scheme, Compensation for Premature Retirement and Additional Voluntary Contributions), and Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2010

PART 2

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

Interpretation of Part 2

2. The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(1) shall be amended as provided by regulations 3 to 12.

3. In the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995—

- (a) any reference to the Agency shall be construed as a reference to the Regional Business Services Organisation (RBSO) established under section 14(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009(2); and
- (b) any reference to a Health and Social Services Board shall be construed as a reference to the Regional Health and Social Care Board (RHSCB) established under section 7(1) of the Health and Social Care (Reform) Act 2009.

Amendment of regulation 2

4. In regulation 2 (Interpretation)—

(a) in the definition of “employing authority”—

(i) for,—

“(h) as regards a person who is subject to a direction made under Article 12(6) of the Superannuation (Northern Ireland) Order 1972 and subject to such modifications to these Regulations as the Department may in any particular case direct, any employer of such a person that the Department agrees to treat as an employing authority for the purposes of these Regulations”; substitute—

(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; S.R. 2008 Nos. 96, 130 and 163; S.R. 2009 Nos. 65 and 188

(2) 2009 c. 1 (N.I.)

- “(k) as regards a person who is subject to a direction made under Article 12(6) of the Superannuation (Northern Ireland) Order 1972 and subject to such modifications to these Regulations as the Department may in any particular case direct, any employer of such a person that the Department agrees to treat as an employing authority for the purposes of these Regulations”;
- (ii) after paragraph (k) add—
- “(l) “Health and Social Care Trust (HSC Trust)” established under section 1(3) of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
- (m) “Regional Health and Social Care Board (RHSC Board)” established under section 7(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
- (n) “Regional Business Services Organisation (RBSO)” established under section 14(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
- (o) “Patient and Client Council (PCC)” established under section 16(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
- (p) “Regional Agency for Public Health and Social Wellbeing (RAPHSW)” established under section 12(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009;”
- (iii) omit paragraphs (a), (b) and (c);
- (b) in the definition of “superannuable employment”, after “the scheme”, insert “in accordance with this Section”;
- (c) for the definition of “scheme” substitute—
- ““Scheme” means the Health and Social Care (Pension Scheme) the rules of which are set out in these regulations and the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008;”.

Amendment of regulation 13B

5.—(1) Regulation 13B(2) (Re-assessment of ill-health condition determined under regulation 13A) is amended as provided by paragraphs (2) and (3).

(2) At the end of sub-paragraph (c), omit “and”;

(3) At the end of sub-paragraph (d), insert—

“; and

(e) the member is not a 2008 Section Optant within the meaning of regulation 136A or 260A of the 2008 Section of the Scheme (application of Chapter 10 of Part 2 and Chapter 10 of Part 3, respectively) who has become entitled to a tier 2 ill-health pension under regulation 52 or 182 of that Section (which deals with early retirement on ill-health (active members and non contributing members)).”.

Amendment of regulation 25

6. For paragraph (3) of regulation 25 (Member dies after pension becomes payable), substitute—

“(3) For the purposes of paragraph (2), no account will be taken of any reduction to the member’s pension under regulation 85 unless—

- (a) the member is a 2008 Section Optant within the meaning of regulation 136A or regulation 260A of the 2008 Section of the Scheme; and
- (b) on the date of the member's death the member is an active or non-contributing member of that section."

Amendment of regulation 31E

7. In paragraph (1) of regulation 31E (Surviving nominated partner's pension) for "who has superannuable service", substitute "whose superannuable employment ceases".

Amendment of regulation 34

8. In paragraph (2A)(b) of regulation 34 (Member dies in superannuable employment), omit "the member's".

Amendment of regulation 35

9. For paragraph (2) of regulation 35 (Member dies after pension becomes payable), substitute—

"(2) Subject to paragraphs (2A) and (8)—

- (a) the allowance will be calculated as described in whichever of paragraphs (3) or (4) apply; and
- (b) where the member was, on the date of the member's death—
 - (i) not a 2008 Section Optant within the meaning of regulation 136A or regulation 260A of the 2008 Section of the Scheme (application of Chapter 10 of Part 2 and Chapter 10 of Part 3, respectively), whose pensionable service—
 - (aa) equalled, or exceeded, 10 years, as a proportion of the amount of the member's pension based on that service;
 - (bb) was less than 10 years, as a proportion of the amount the member's pension would have been if it had been based on 10 years pensionable service,
 - (ii) such a 2008 Section Optant, as a proportion of the amount of the member's pension."

New regulation 97A

10. After regulation 97 (Accounts and actuarial reports) insert—

"Cost Sharing

97A.—(1) The actuarial report referred to in regulation 97 (Accounts and actuarial reports) must specify—

- (a) a recommended contribution rate (RCR); and
- (b) a projected yield from members' contributions (PYM).

(2) Where the member contribution rate or benefits in England and Wales provided by the National Health Service Pension Scheme Regulations 1995(3) have changed as a consequence of determinations made by the Secretary of State under regulation U4 of those

(3) S.I. 1995/300, amended by S.I. 1997/80 and 1888, 1998/666 and 2216, 2000/605, 2001/1428 and 3649, 2002/561 and 2469, 2003/631 and 2322, 2004/665 and 696, 2005/661 and 3074, 2006/600 and 2919, 2007/2054 and 3280, 2008/654 and 2263 and 2009/381, and modified by S.I. 1996/971

Regulations, the actuarial report referred to in 97 (Accounts and actuarial reports) must also specify—

- (a) a recommended contribution rate (RCRI), as if the changes in England and Wales had been applied in Northern Ireland; and
- (b) a projected yield from members' contributions (PYMI) as if the changes in England and Wales had been applied in Northern Ireland.

(3) Where the member contribution rate or benefits in England and Wales provided by the National Health Service Pension Scheme Regulations 1995 have changed as a consequence of determinations made by the Secretary of State under regulation U4 of those Regulations, the initial employers' contribution rate (IECR) shall be calculated as RCRI minus PYMI.

(4) Where the member contribution rate or benefits in England and Wales provided by the National Health Service Pension Scheme Regulations 1995 have not changed as a consequence of determinations made by the Secretary of State under regulation U4 of those Regulations, the initial employers' contribution rate (IECR) shall be calculated as RCR minus PYM.

(5) Subject to paragraph (6) employing authorities shall pay contributions under regulation 11 (Contributions by employers) at the rate of IECR.

(6) In the event that IECR is more than one percentage point greater or less than the rate payable by employing authorities in England and Wales under regulation U4 of the National Health Service Pension Scheme Regulations 1995, for the same period, the relevant member contribution rates and employer contribution rates will be subject to review by the Department having—

- (a) taken advice from the Scheme actuary; and
- (b) consulted with the Department of Finance and Personnel and such employee and employer representatives as appear to the Department to be appropriate.”.

Amendment of Schedule 2

11.—(1) Schedule 2 (Medical and dental practitioners) is amended as provided by paragraphs (2) and (3).

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

- (a) in sub-paragraph (1), omit “principal” (twice);
- (b) in sub-paragraph (3)(a), omit “principal”;
- (c) in sub-paragraph (3)(b), omit “principal”;
- (d) in sub-paragraph (5A)(a), omit “principal”;
- (e) after sub-paragraph (5B), add—

“(5C) If—

- (a) any part of the period of a member’s officer service is treated as practitioner service for the purposes of sub-paragraph (1) or (5A) (“the converted service”) and;
- (b) any part of the converted service has been credited to the member as a result of a transfer-in under regulations 61 or 62 (but not regulation 81(2)) (“the converted service credit”),

the amount of superannuable pay deemed to be received in respect of the converted service credit will be calculated in accordance with paragraph 18.”;

- (f) in sub-paragraph (8), for “been a principal practitioner” substitute “officer service before first becoming a practitioner”.

(3) In paragraph 11A (Practitioners with benefits from both practitioner service and officer service) after sub-paragraph (5), add—

“(6) A member who, before commencing the member’s final period of practitioner service, has service as an officer (whether that service as an officer consists of a separate period of such service or two or more such periods), and—

- (a) that officer service is preceded by an earlier period of practitioner service; and
- (b) some or all of the officer service is not concurrent with the practitioner service,

shall, if it would be more favourable, be entitled to receive a separate pension and retirement lump sum for such part of that officer service that is not concurrent with the member’s practitioner service.

(7) The amounts of pension and retirement lump sum referred to in sub-paragraph (6)—

- (a) shall be subject to a 1.5% increase for each whole year or part of a year within the increment period;
- (b) that increase shall be applied in like manner and at the same intervals as an increase applied to a pension under the Pensions (Increase) Act (Northern Ireland) 1971⁽⁴⁾; and
- (c) that increase shall be effective immediately before the pension and lump sum become payable under these Regulations.

(8) The increment period referred to in sub-paragraph (7) shall—

- (a) begin with the day immediately following the day on which the member’s service as an officer referred to in sub-paragraph (6) ceased for the last time; and
- (b) end with the day immediately before the pension and retirement lump sum become payable under these Regulations.”.

Schedules

12. Schedule 1 shall have effect.

(4) 1971 c. 35 (N.I.)