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STATUTORY RULES OF NORTHERN IRELAND

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**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 3**

**AMENDMENT OF THE HEALTH AND SOCIAL CARE (PENSION SCHEME) REGULATIONS (NORTHERN IRELAND) 2008**

**Amendment of regulation 53**

**33.**—(1) Regulation 53 (Re-assessment of entitlement to an ill-health pension determined under regulation 52) is amended as provided by paragraphs (2) and (3).

(2) For paragraph (2), substitute—

“(2) A member to whom a notice under paragraph (1)(b) has been given may apply to the Department for a review of whether the member subsequently meets the condition in regulation 52(3)(a) if—

- (a) the member makes the application in writing—
  - (i) within three years of the date of issue of the notice, or
  - (ii) in the case of a member who engages in further HSC employment during the period of three years referred to in paragraph (1)(b), before the first anniversary of the day on which that employment commences or, if sooner, before the end of that period;
- (b) the application for a review is accompanied by further written medical evidence—
  - (i) relating to whether the condition in regulation 52(3)(a) is satisfied at the date of the Department’s review, and
  - (ii) that evidence relates to the same physical or mental impairment as a result of which the member met the condition in regulation 52(2)(a);
- (c) no previous application for a review has been made under this paragraph; and
- (d) the member has not become entitled to a tier 2 ill-health pension in respect of any later service under regulation 113.”.

(3) After paragraph (3), add—

“(4) In the case of a 2008 Section Optant, this regulation is subject to regulations 136P and 136Q.”.