
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 286

The Health and Personal Social Services (Superannuation Scheme, Injury Benefits and Additional Voluntary Contributions), 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

Substitution of regulation 153A

38. For regulation 153A (Eligibility: transitional), substitute—

“Eligibility: transitional

153A.—(1) A person is eligible to be an active member of this Section of the Scheme if—

- (a) the person is not prevented from being so by regulation 154 or 158; and
- (b) either—
 - (i) the Department has accepted that person’s option to join this Section of Scheme under Chapter 10 of this Part, or
 - (ii) that person meets all of the requirements in paragraph (2).

(2) Those requirements are that the person—

- (a) is under age 75;
- (b) was an active member of the 1995 Section on or after 1st April 2008;
- (c) became a pensioner member of the 1995 Section on, or before, 1st October 2009;
- (d) has either—
 - (i) returned to HSC employment since becoming a pensioner member referred to in sub-paragraph (c), or
 - (ii) commenced for the first time HSC employment; and
- (e) is not eligible to be an active member of the 1995 Section in respect of the employment referred to in sub-paragraph (d).

This is subject to paragraphs (3) to (8).

(3) A person referred to in paragraph (2) is eligible to be an active member of this Section of the Scheme, from the day immediately following the end of Waiting Period A,

if that person is entitled to a pension under one of the following regulations of the 1995 Regulations—

- (a) 12 (Normal retirement pension);
- (b) 13A(3)(a) (tier 1 ill-health pension on early retirement);
- (c) 14A (Early retirement pension (termination of employment by employing authority)); or
- (d) 16 (Early retirement pension with (actuarial reduction)).

(4) A person referred to in paragraph (2) is eligible to be an active member of this Section of the Scheme, from the day immediately following the longer of Waiting Period A and Waiting Period B, if that person is entitled to a pension under one of the following regulations of the 1995 Regulations—

- (a) 13 (Early retirement pension (ill health));
- (b) 14 (Early retirement pension (redundancy etc additional provisions)),

(5) If a person referred to in paragraph (2) is entitled to a pension under regulation 13A(3)(b) (tier 2 ill-health pension on early retirement), that person shall be eligible to be an active member of this Section of the Scheme from the day immediately following whichever of the following occurs last —

- (a) the anniversary of that person entering HSC employment; or
- (b) the end of Waiting Period A.

(6) A person to whom paragraph (1)(b)(i) or (3)(b) applies and who is entitled to a tier 1 ill-health pension under regulation 13A(3)(a) of the 1995 Regulations, ceases to be eligible to be an active member of this Section of the Scheme from the date the Department makes a determination that that person is entitled to a tier 2 ill-health pension in place of that tier 1 ill-health pension under regulation 13B(3) of those Regulations (Re-assessment of ill-health condition determined under regulation 13A).

(7) For the purposes of this regulation—

- (a) “Waiting Period A” is a period of two calendar years beginning on the day the person becomes entitled to the pension under the 1995 Regulations;
- (b) “Waiting Period B” is a period beginning on the day the person becomes entitled to the pension under the 1995 Regulations equal to the calendar length of—
 - (i) any increase to the person’s superannuable service in the 1995 Section of the Scheme which has been applied in accordance with paragraph (3) of regulation 13 of the 1995 Regulations; or
 - (ii) any additional service with which the person has been credited in accordance with regulation 5 of the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983(1).

(8) This regulation applies to any person who has previously been an active member of a corresponding 1995 scheme as though any reference to—

- (a) the “1995 Section” includes a reference to that corresponding 1995 scheme;
- (b) the “1995 Regulations” includes a reference to any regulations, orders, rules or other instruments governing that corresponding 1995 scheme;

- (c) regulations “12”, “13”, “13A”, “13A(3)(a)”, “13A(3)(b)”, “13B(3)”, “14”, “14A” or “16” includes the equivalent of those regulations in a health service scheme the provisions of which correspond to the 1995 Regulations; and
- (d) “regulation 5 of the Health and Personal Social Services (Compensation for Premature Retirement) Regulations (Northern Ireland) 1983” includes the equivalent of that regulation as it applies to a member of a corresponding 1995 scheme.”.