
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 121

The Health and Personal Social Services (Superannuation Scheme, Additional Voluntary Contributions and Injury Benefits), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2015

PART 3

Amendment of the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008

New regulation 17A

20. After regulation 17 (Restriction on pensionable pay used for calculating benefits in respect of capped transferred-in service), insert—

“Restriction of reckonable pay where the Department considers the amount is inordinate

17A.—(1) Where, having regard to the matters referred to in paragraph (2), the Department considers that the amount which would otherwise constitute the member’s interim reckonable pay for the purposes of regulation 15 is inordinate, the Department may, determine what the amount of a member’s interim reckonable pay is to be and the date from which any change in the amount of that pay as a result of that determination is to take effect.

(2) Those matters are—

- (a) any variations in the level of the member’s pensionable pay during a period not exceeding ten years and ending with the earlier of the date the member ceases to be in pensionable employment or the date the member dies;
- (b) the general level of pensionable pay pertaining in HSC employment for members of the same or an equivalent grade or post during the period under consideration for the purposes of paragraph (a);
- (c) promotion and re-grading prospects in HSC employment for members of the same or an equivalent grade or post during the period under consideration for the purposes of paragraph (a);
- (d) any other matters the Department considers relevant.

(3) Where the Department determines the amount of a member’s interim pensionable pay pursuant to paragraph (1)—

- (a) the difference between the amount which would, but for the determination pursuant to paragraph (1), be the member’s interim reckonable pay and the amount so determined pursuant to that paragraph and adjusted for the purposes

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of regulation 16, must be ignored for the purposes of this regulation (“the ignored amount”);

- (b) any contributions referable to the ignored amount and paid by the member pursuant to regulation 27 must, net of any tax payable, be refunded to that member;
- (c) any contributions referable to the ignored amount and paid by the employing authority pursuant to regulation 31 are to be refunded to that employing authority.”.