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STATUTORY RULES OF NORTHERN IRELAND

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**2024 No. 50**

**HEALTH AND PERSONAL SOCIAL SERVICES**  
**PUBLIC SECTOR PENSIONS**

**The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024**

*Made - - - - 8th March 2024*  
*Coming into operation 1st April 2024*

The Department of Health makes the following Regulations in exercise of the powers conferred by Articles 12(1), (2) and (3) of, and (14)(1) and (2) of, and Schedule 3 to the Superannuation (Northern Ireland) Order 1972(1) (“the 1972 Order”) and sections 1 (1) and (2)(e), 2(1) and 3(1) to (3) of, and paragraph 5 of Schedule 2 and Schedule 3 to, the Public Service Pensions Act (Northern Ireland) 2014(2) (“the 2014 Act”).

In accordance with Article 12(4) of the 1972 Order and section 21(1) of the 2014 Act, the Department of Health has consulted such persons as appear to the Department of Health likely to be affected by these Regulations.

In accordance with Article 12(1) of the 1972 Order and section 3(5) of the 2014 Act, these Regulations are made with the consent of the Department of Finance.

**PART 1**

**Introductory**

**Citation and commencement**

**1.** These Regulations may be cited as the Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 and come into operation on 1st April 2024.

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(1) 1972 N.I 10 Section 12(1) was amended by sections 32 and 34(3) and Schedule 6 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 and section 37(2) of the Public Service Pensions Act (NI) 2014.  
(2) 2014 c. 2 Section 3(1) and (2) were amended by section 94(2) and (3) of the Public Service Pensions and Judicial Offices Act 2022 (c.7).

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**Changes to legislation:** The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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**Commencement Information**

**11** Reg. 1 in operation at 1.4.2024, see [reg. 1](#)

## PART 2

### Amendments to the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995

#### General

2. The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995<sup>(3)</sup> are amended in accordance with this Part.

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**Commencement Information**

**12** Reg. 2 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 2

3. In regulation 2 (interpretation), at the appropriate place in alphabetical order insert—  
““active member” means a person who is in superannuable service under the scheme;”.

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**Commencement Information**

**13** Reg. 3 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 3

4.—(1) Regulation 3 (meaning of “superannuable pay and “final year’s superannuable pay”)(4) is amended as follows.

(2) In paragraph (6), for “paragraph (6A)”, substitute “paragraphs (6A) and (6B)”.

(3) After paragraph (6A), insert—

“(6B) If a member becomes entitled to a pension under regulation 16A (partial retirement pension), “final year’s superannuable pay” means superannuable pay in respect of the year immediately preceding the day on which the reduction in the member’s superannuable pay takes effect by virtue of which the member becomes entitled to the partial retirement pension.”.

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**Commencement Information**

**14** Reg. 4 in operation at 1.4.2024, see [reg. 1](#)

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(3) S.R.1995 No. 95.

(4) Amended by S.R. 2008 No. 163.

#### Amendment of regulation 4

- 5.—(1) Regulation 4 (meaning of “superannuable service”)(5) is amended as follows.
- (2) In paragraph (2), for sub-paragraph (b) substitute—
- “(b) in the case of a member who has become entitled to a pension (including a preserved pension) any period taken into account—
- (i) in determining the member’s entitlement to the pension in payment or, as the case may be, the preserved pension, or
  - (ii) in calculating the amount of that pension,
- but, in the case of a member entitled to a pension under regulation 16A (partial retirement pension), subject to paragraph (7);”.
- (3) After paragraph (6), insert—
- “(7) In the case of a member entitled to a pension under regulation 16A (partial retirement pension), paragraph (2)(b) only applies to so much of the member’s superannuable service as is mentioned in regulation 16A(11)(a) (the pension to which the member is immediately entitled as a result of exercising the option and the specified percentage of the superannuable service that pension represents).”.

#### Commencement Information

**I5** Reg. 5 in operation at 1.4.2024, see [reg. 1](#)

#### New regulations 16A, 16B and 16C

6. After regulation 16 (early retirement pension (with actuarial reduction)), insert—

##### “Partial retirement pension

**16A.**—(1) A member who is in superannuable employment may exercise an option under this regulation if—

- (a) the member—
  - (i) has reached normal minimum pension age or, where relevant, protected pension age;
  - (ii) has at least two years’ qualifying service; and
  - (iii) continues to be in superannuable employment or, where the member is in more than one superannuable employment, the member continues to be in at least one of those superannuable employments;
- (b) the terms on which the member holds the superannuable employment or employments referred to in sub-paragraph (a)(iii) change; and
- (c) as a result, the annual rate of the member’s superannuable pay is reduced to 90% or less of the amount of the member’s superannuable pay during the period of 12 months ending with the option day.

(2) If the member was not in superannuable employment during the whole of the period of 12 months referred to in paragraph (1)(c), that paragraph applies as if the member’s superannuable pay during that period were—

$$PP \times (365 / N)$$

where—

PP is the member’s superannuable pay for the part of that period during which the member was in superannuable employment, and

N is the number of days in that period on which the member was in superannuable employment.

(3) The option may only be exercised by notice in writing in such form as the Department requires and must be accompanied by a statement in writing by the member’s employing authority, or employing authorities, that the conditions in paragraph (1)(b) and (c) are met.

(4) The option must specify—

- (a) the percentage of the member’s pension (excluding any additional pension) in respect of which the member claims immediate payment (“the specified percentage”);
- (b) whether the superannuable service used to calculate the pension referred to at sub-paragraph (a) is to include additional service (if any) that the member has purchased under regulation 67 (right to buy additional service); and
- (c) whether the member claims immediate payment of additional pension (if any).

(5) A member who duly exercises the option under this regulation is entitled—

- (a) in the case of a member who has reached the age of 60, to immediate payment of the specified percentage of the pension to which the member would be entitled under regulation 12 (normal retirement pension) if the member had retired from superannuable employment on the option day (including any additional service specified under paragraph (4)(b) but disregarding any additional pension);
- (b) in the case of a member who has not reached the age of 60, to immediate payment of the specified percentage of the pension to which the member would be entitled under regulation 16 (early retirement pension with actuarial reduction) if the member had retired from superannuable employment on the option day (including any additional service specified under paragraph (4)(b) but disregarding any additional pension);
- (c) in the case of a special class officer who meets the retirement condition in paragraph (12) and has reached the age of 55, to immediate payment of the specified percentage of the pension to which the member would be entitled under regulation 12 (normal retirement pension) if the member had retired from superannuable employment on the option day (including any additional service specified under paragraph (4)(b) but disregarding any additional pension); and
- (d) where the option specifies that the member claims immediate payment of additional pension—
  - (i) if the option day falls after the member’s chosen birthday, to the immediate payment of the additional pension; and
  - (ii) if the option day falls before the member’s chosen birthday, to the immediate payment of the additional pension reduced in accordance with paragraphs (5) and (6) of regulation 73H (effect of death or early payment of pension after option exercised under regulation 73A, 73C or 73D).

(6) If—

- (a) the option specifies that the superannuable service used to calculate the pension referred to at paragraph (5)(a), (b) or (c) is to include additional service that the member has purchased under regulation 67;

(b) the member's method of payment for the additional service is regular additional contributions; and

(c) the option day falls before the member's chosen date,

then the proportion of additional service to be included in the superannuable service used to calculate that pension will be reduced in accordance with paragraph (6) of regulation 73 (part payment for additional service or unreduced retirement sum).

(7) Subject to paragraph (8), the specified percentage must be such that the pension to which the member becomes entitled as a result of the option (before the exercise of the option under regulation 17A (general option to exchange part of pension for lump sum) and disregarding any additional benefits)—

(a) is not less than the amount of the pension payable by reference to 20% of the member's superannuable service at the end of the option day (disregarding any additional benefits); and

(b) is not less than 0.05% of the member's lifetime allowance on the option day.

(8) Where a member has reached protected pension age but not yet reached normal minimum pension age, the specified percentage must be 100% of the member's superannuable service at the end of the option day (disregarding any additional benefits).

(9) Where a pension is payable under paragraph (5)(b), the lump sum payable under regulation 17 (lump sum on retirement) will be reduced in accordance with paragraph (7) of regulation 17.

(10) The option under this regulation may only be exercised on no more than two occasions and the Department shall take advice from the Scheme Actuary regarding—

(a) any benefits to be paid after the exercise of the first option (but before the exercise of the second option);

(b) any benefits to be paid after the exercise of the second option; and

(c) the final payment.

(11) For the purposes of these Regulations, a member who has exercised the option under this regulation—

(a) is a member to whom a pension has become payable in respect of the pension to which the member is immediately entitled as a result of exercising the option and the specified percentage of the superannuable service that that pension represents;

(b) if the member continues as an active member of the 2015 Scheme after the option day, is treated as a member who is in superannuable employment in respect of so much of the member's superannuable service in this Section of the scheme that does not fall within sub-paragraph (a) ("the unspecified service"); and

(c) if the member does not continue as an active member of the 2015 Scheme after the option day, is a member with a preserved pension in respect of the unspecified service.

(12) In this regulation—

"additional benefits" means any additional service specified under paragraph (4)(b) and any additional pension specified under paragraph (4)(c);

"chosen birthday" has the meaning given in paragraph (9) of regulation 73A (option to pay additional periodical contributions to purchase additional pension);

"chosen date" has the meaning given in paragraph (3) of regulation 72 (paying for additional service or unreduced retirement lump sum by regular additional contributions);

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“the option day” means the day before the reduction in superannuable pay by virtue of which the option is exercisable takes effect;

“the retirement condition” is met if the Department determines that regulation 75(3) (a) or regulation 76(5) (whichever applies) would have applied to the special class officer if the officer’s superannuable employment had terminated on the option day.

### **Increase in superannuable pay following exercise of option under regulation 16A**

**16B.**—(1) This regulation applies if, in a case where a member has exercised the option under regulation 16A—

- (a) during the period of 12 months beginning with the day after the option day the terms on which the member holds the employment or employments referred to in regulation 16A(1)(a)(iii) change again; and
- (b) as a result, the member’s superannuable pay in that employment or those employments is increased to more than 90% of the member’s superannuable pay during the period of 12 months ending with the option day; or
- (c) following an increase referred to in sub-paragraph (b), the member’s superannuable pay in that employment or those employments is reduced to less than 90% of the member’s superannuable pay during the period of 12 months ending with the option day.

(2) In the circumstances referred to in—

- (a) paragraph (1)(b), the amount of the member’s pension mentioned in sub-paragraphs (a), (b) and (c) of regulation 16A(5) (excluding any additional benefits) shall be abated to zero from the first pension day immediately following the day on which the level of the member’s superannuable pay increased;
- (b) paragraph (1)(c), subject to any adjustments in accordance with sub-paragraph (c), the member shall again be entitled to receive payment of the full amount of the pension mentioned in sub-paragraphs (a), (b) and (c) of regulation 16A(5) as from the first pension day immediately following the day on which the level of the member’s superannuable pay reduced;
- (c) where sub-paragraph (b) applies, before restoring the payment of a pension the Department shall have regard to the advice of the Scheme Actuary as to whether the amount of the pension should be adjusted in view of the length of time during which it was abated to zero in accordance with sub-paragraph (a).

(3) If the member was not in superannuable employment during the whole of the period of 12 months mentioned in paragraph (1)(b), that paragraph applies as if the member’s superannuable pay during that period were—

PP x (365/N)

where—

PP is the member’s superannuable pay for the part of that period during which the member was in superannuable employment; and

N is the number of days in that period on which the member was in superannuable employment.

(4) If, in the opinion of the Department, had the terms and conditions of the member’s employment remained the same after the option day (apart from superannuable pay), the annual rate of superannuable pay for the employment as at the time of the change mentioned in paragraph (1)(a) would have exceeded the annual rate referred to in paragraph (1)(b)—

- (a) paragraph (2)(a) does not apply; and

- (b) this regulation applies as if paragraph (1)(b) referred to that annual rate instead of the actual annual rate.
- (5) For the purposes of this regulation, if during the period of 12 months beginning with the day after the option day the member enters a further superannuable employment or employments—
  - (a) that event is treated as if the terms on which the member holds the employment in respect of which the option was exercised (“the option employment”) had changed again; and
  - (b) the member’s superannuable pay in the further employment is treated as an increase in the member’s pay in the option employment.
- (6) In this regulation “additional benefits” and “the option day” have the same retrospective meanings as in regulation 16A(12).

**Application of regulations 16A and 16B with modifications where concurrent part-time employments held**

**16C.**—(1) This regulation provides for the application of regulations 16A and 16B with modifications if a member is in superannuable employment in two or more part-time employments held concurrently on the option day.

(2) Those regulations apply in relation to each of the employments as if it were the only employment held by the member on that day, but with the modifications set out in paragraphs (3) to (8).

(3) In regulation 16A(1), for sub-paragraph (c) substitute—

“(c) as a result of that change, the sum of the annual rate of the member’s superannuable pay in that employment and every other employment held by the member on the option day is reduced to 90% or less of the sum of—

- (i) the member’s superannuable pay in the employment during the period of 12 months ending with the option day; and
- (ii) the member’s superannuable pay during that period in every other employment held by the member on the option day.”.

(4) In regulation 16A(2)—

- (a) after “paragraph (1)(c)”, insert “in the employment or any other employment referred to in that paragraph”; and
- (b) after “that period”, insert “in that employment”.

(5) In regulation 16B(1), for sub-paragraph (b) substitute—

“(b) as a result the annual rate of the member’s superannuable pay in that employment is increased to more than 90% of the sum of—

- (i) the member’s superannuable pay in the employment during the period of 12 months ending with the option day; and
- (ii) the member’s superannuable pay during that period in every other employment held by the member on the option day.”.

(6) In regulation 16B(3)—

- (a) after “paragraph (1)(b)”, insert “in the employment or any other employment referred to in that paragraph”; and
- (b) after “that period”, insert “in that employment”.

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(7) For regulation 16B(4), after “referred to in paragraph (1)(b)”, insert “for that employment”.

(8) Where—

(a) a member’s pension is abated in accordance with regulation 16B(2)(a), in the circumstances described in regulation 16B(1)(b); and

(b) the member’s superannuable pay does not reduce in the manner described in regulation 16B(1)(c),

the pension will (in any event) be payable by the Department when the member retires, or partially retires again, from superannuation employment or attains the age of 75 and in doing so the Department shall—

(i) have regard to any pensions already paid, including any lump sum paid as a result of the member exercising an option under regulation 17A (general option to exchange part of pension for lump sum); and

(ii) take advice of the Scheme Actuary.

(9) In this regulation “the option day” has the same meaning as in regulation 16A(12).”.

#### Commencement Information

**16** Reg. 6 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 17

7.—(1) Regulation 17 (lump sum on retirement)(6) is amended as follows.

(2) In paragraph (1), for “16”, substitute “16A”.

(3) In paragraph (7)—

(a) for “16 applies (early retirement pension with actuarial reduction)”, substitute “16 (early retirement pension with actuarial reduction) or regulation 16A (partial retirement pension) applies”; and

(b) in sub-paragraph (a), after “regulation 16(2)”, insert “or regulation 16A(5)(b);”.

#### Commencement Information

**17** Reg. 7 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 19

8.—(1) Regulation 19 (member dies after pension becomes payable) is amended as follows.

(2) At the end of the heading, add “(other than a pension under regulation 16A)”.

(3) For paragraph (1) substitute—

“(1) Subject to paragraph (7), if a member dies after the member’s pension under any of regulations 12 to 16 becomes payable, a lump sum on death shall be payable in accordance with regulation 22.”.

(6) Relevant amending regulations are [S.R. 2006 No. 410](#), [S.R. 2008 No. 130](#) and [S.R. 2010 No. 492](#).



**Commencement Information**

**18** Reg. 8 in operation at 1.4.2024, see [reg. 1](#)

**New regulation 19A**

**9.** After regulation 19 (member dies after pension becomes payable) insert—

**“Member dies after a pension under regulation 16A becomes payable**

**19A.**—(1) If a member dies after one or more pensions under regulation 16A become payable to the member, a lump sum on death shall be payable in accordance with regulation 22.

(2) The lump sum on death will be equal to 5 times the yearly rate of each of the member’s pensions (less the amount of pension already paid) provided that the maximum payment under this paragraph shall not exceed the aggregate lump sum cap.

(3) The aggregate lump sum cap is equal to twice the appropriate fraction of the member’s final year’s superannuable pay by reference to which the pension to which the member became entitled on last exercising the option under regulation 16A was calculated, less an amount equal to the aggregate of—

- (a) the member’s retirement lump sum under regulation 17, and
- (b) any lump sum paid to the member under regulation 17A.

(4) In this regulation—

“the appropriate fraction” means—

DPS / TDPS

where

DPS is, where the member continues in superannuable service as an active member of the 2015 Scheme on the option day (or the last such option day if the option has been exercised more than once), the total number of days of superannuable service in that Scheme and this Section of the scheme which do not relate to the specified percentage of pension on the option day;

TDPS is the aggregate of DPS and the total number of days of superannuable service (at the option day or the last such option day if the option has been exercised more than once) which relate to the specified percentage of pension payable;

“the option day” has the meaning given in regulation 16A(12); and

“specified percentage” has the meaning given in regulation 16A(4) (a).”.

**Commencement Information**

**19** Reg. 9 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 25**

**10.** In regulation 25 (member dies after pension becomes payable), in paragraph (5) after “(early retirement pension with actuarial reduction)” insert “or regulation 16A (partial retirement pension)”.

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**Commencement Information**

**I10** Reg. 10 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 35**

**11.** In regulation 35 (member dies after pension becomes payable), in paragraph (9)(7) after regulation “regulation 13C” insert “(further employment after a benefit is paid under regulation 13A) or regulation 16A (partial retirement pension)”.

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**Commencement Information**

**I11** Reg. 11 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 36**

**12.** In regulation 36 (member dies with preserved pension), for paragraph (3)(8) substitute—

“(3) Subject to paragraph (3A), if the member dies 12 months or more after leaving superannuable employment, the allowance will be calculated as described in whichever of paragraph (4) or (5) applies, as a proportion of the amount of the member’s preserved pension if paragraph (11)(c) of regulation 16A applies to the member, otherwise the greater of—

- (a) the member’s preserved pension; and
- (b) the amount that the preserved pension would have been if it had been based on 10 years’ superannuable service.”.

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**Commencement Information**

**I12** Reg. 12 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 39**

**13.** In regulation 39 (allocation of pension)(9), in paragraph (4)(a), after “put into payment” insert “other than a pension payable under regulation 16A (partial retirement pension)”.

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**Commencement Information**

**I13** Reg. 13 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 43**

**14.** In regulation 43 (guaranteed minimum pensions)(10), in paragraph (2)(b), for “reduced or suspended under regulation 84 (Suspension of pension on return to HSC employment) or regulation 85 (Reduction of pension on return to HSC employment) if the member returns to

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(7) Paragraphs (9) and (10) were inserted by [S.R. 2008 No. 163](#).

(8) Paragraphs (3) and (3A) were substituted by [S.R. 2008 No. 163](#).

(9) Relevant amending regulations are [S.R. 2008 No. 130](#), [S.R. 2008 No. 163](#) and [S.R. 2010 No. 22](#).

(10) Regulation 43 was amended by [S.R. 2010 No 420](#).

HSC employment” substitute “reduced under regulation 85 (reduction of pension on return to HSC employment)”.

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**Commencement Information**

**I14** Reg. 14 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 49**

**15.** In regulation 49 (preserved pension)(**11**), in paragraph (14), for the definition of “HSC employment”, substitute#

““HSC employment” does not include employment with an employing authority in respect of which#

- (a) a member is eligible to join the 2008 Section; or
- (b) a member, other than a member who is no longer required to pay contributions pursuant to regulation 10(3) or (4) (contributions by members), is eligible to join the 2015 Scheme and that member’s service in this Section does not qualify as, or has ceased to be, superannuable service to which paragraphs 1(2)(i) and (ii) or paragraphs 2(2)(i) and (2)(ii) of Schedule 7 (final salary link) to the 2014 Act applies;”.

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**Commencement Information**

**I15** Reg. 15 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 67**

**16.** In regulation 67 (right to buy additional service)(**12**), in paragraph (4), after subparagraph (b), for the full stop substitute a semi colon and insert—

“(c) for the purpose of calculating any pension the member becomes entitled to under paragraph (5)(a), (b) or (c) of regulation 16A (partial retirement pension), unless the member specifies that any additional service is to be included in the calculation of that pension in accordance with paragraph (4)(b) of that regulation.”.

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**Commencement Information**

**I16** Reg. 16 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 77**

**17.** In regulation 77 (members doing more than one job), omit paragraph (8).

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**Commencement Information**

**I17** Reg. 17 in operation at 1.4.2024, see [reg. 1](#)

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(11) Relevant amending regulations are S.R.2008 No. 163 and S.R. 2015 No. 122.

(12) Relevant amending regulations are S.R. 2008 No. 163 and S.R. 2010 No. 22.

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### Amendment of regulation 73H

**18.** In regulation 73H (effect of death or early payment of pension after option exercised under regulation 73A, 73C or 73D), in paragraph (5), at the end of sub-paragraph (c), insert “; or” and after that sub-paragraph add—

“(d) becomes entitled to a pension under regulation 16A before the member’s chosen birthday,”.

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#### Commencement Information

**I18** Reg. 18 in operation at 1.4.2024, see [reg. 1](#)

### Omission of regulation 84

**19.** Omit regulation 84 (suspension of pension on return to HSC employment)(**13**).

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#### Commencement Information

**I19** Reg. 19 in operation at 1.4.2024, see [reg. 1](#)

### Amendment of regulation 85

**20.** In regulation 85 (reduction of pension on return to HSC employment), in paragraph (14), for the definition of “HSC employment” substitute—

““HSC employment” includes—

- (a) employment in respect of which regulations made under section 10 of the Superannuation Act 1972, and having effect in Great Britain apply; and employment commencing on or before 31st March 2012 to which a scheme made under section 2 of the Superannuation Act 1984 (an Act of Tynwald) applies; and
- (b) employment with an employer with whom an agreement has been made under Article 12(9) of the Superannuation (Northern Ireland) Order 1972 or in respect of whom a direction has been made under Article 12(6) of that Order.”

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#### Commencement Information

**I20** Reg. 20 in operation at 1.4.2024, see [reg. 1](#)

### Amendment of Schedule 2

**21.** In Schedule 2 (medical and dental practitioners), after paragraph 12, insert—

**“Partial retirement pension**

**12A.—**(1) In the case of members who are or have been practitioners, regulations 16A (partial retirement pension) and 16B (increase in superannuable pay following exercise of option under regulation 16A) are modified as follows.

(2) Regulation 16A is modified so that—

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(13) Section 47 of the Coronavirus Act 2020 made a temporary modification to regulation 84; this modification was extended by [S.R. 2022 No 153](#) and [S.R. 2022 No 245](#)

- (a) the reference to holding superannuable employment in paragraph (1)(b) is treated as a reference to engaging in superannuable employment;
  - (b) the condition in paragraph (1)(c), for the reduction of the member’s superannuable pay to 90% or less of the member’s superannuable pay during the period of 12 months ending with the option day, is treated as a condition for the reduction of the member’s engagement in such employment to 90% or less of its pre-change level;
  - (c) paragraph (2) is omitted;
  - (d) the requirement in paragraph (3), for a statement in writing by the member’s employing authority that the conditions in paragraph (1)(b) and (c) are met, is treated as a requirement for appropriate supporting evidence and a statement in writing approved by the Department that the conditions in paragraph (1)(b) and (c) are met;
  - (e) the requirement in paragraph (7)(a), for the pension to which the member becomes entitled to not be less than the amount of the pension payable by reference to 20% of the member’s superannuable service at the end of the option day (disregarding any additional benefits), is treated as a requirement for the pension to which the member becomes entitled to not be less than 20% of the pension that would have been payable if the member had ceased to be employed in all of his employments at the end of the option day (disregarding any additional benefits);
  - (f) for the purposes of regulation 16A—
    - (i) “pre-change level” means the level of the member’s engagement in the employment referred to in regulation 16A(1)(a)(iii) during the period of 12 months ending with the option day; and
    - (ii) “pension” means the pension that a member would have been entitled to on the option day if the member had ceased to be employed in all of his employments and, in the case of practitioner services, the superannuable earnings taken into account when working out the pension will be drawn from the latest certificate referred to in paragraph 23 of this Schedule (accounts and actuarial reports), or the latest scheme year’s final superannuable earnings referred to in paragraph 10 of this Schedule (contributions to this Section of the scheme), and agreed with the Department.
- (3) Regulation 16B is modified so that the condition in paragraph (1)(b), for the member’s superannuable pay to increase to more than 90% of the member’s superannuable pay during the period of 12 months ending with the option day, is treated as a condition for the level of the member’s engagement in the employment or employments referred to in regulation 16A(1)(a)(iii) to increase to more than 90% of the member’s pre-change level.
- (4) For the purposes of regulation 16B—
- (a) “pre-change level” has the meaning given in paragraph (2)(f)(i);
  - (b) a member’s “employment” means practitioner service together with any concurrent HSC employment.”.

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**Commencement Information**

**I21** Reg. 21 in operation at 1.4.2024, see [reg. 1](#)

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**Changes to legislation:** The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## Part 3

### Amendments to the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008

#### General

**22.** The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008<sup>(14)</sup> are amended in accordance with this Part.

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#### Commencement Information

**I22** Reg. 22 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 49

**23.** In regulation 49 (partial retirement (members aged at least 55)), omit paragraph (6)(b) and (c).

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#### Commencement Information

**I23** Reg. 23 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 57

**24.** In regulation 57 (exceptions to requirement that HSC employment must have ceased), in paragraph (2A), after “if the member” insert “is not a non-contributing member and”.

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#### Commencement Information

**I24** Reg. 24 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 180

**25.** In regulation 180 (partial retirement (members aged at least 55)), omit paragraph (5)(b).

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#### Commencement Information

**I25** Reg. 25 in operation at 1.4.2024, see [reg. 1](#)

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(14) S.R. 2008 No. 256.

## PART 4

### Amendments to the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015

#### General

**26.** The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015<sup>(15)</sup> are amended in accordance with this Part.

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#### Commencement Information

**I26** Reg. 26 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 19

**27.** In regulation 19 (restrictions on membership)<sup>(16)</sup>, omit paragraph (c).

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#### Commencement Information

**I27** Reg. 27 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 83

**28.** In regulation 83 (election for partial retirement (members over normal minimum pension age)), omit paragraph (5)(b).

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#### Commencement Information

**I28** Reg. 28 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 85

**29.** In regulation 85 (terms of employment improve after election), in paragraph (3), after regulation “regulation 84(2)” insert “(a) and (b)”.

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#### Commencement Information

**I29** Reg. 29 in operation at 1.4.2024, see [reg. 1](#)

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<sup>(15)</sup> S.R. 2015 No. 120.

<sup>(16)</sup> Relevant amending regulations are [S.R. 2022 No. 156](#).

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**Changes to legislation:** The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## PART 5

### The Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015

#### General

**30.** The Health and Social Care (Transitional and Consequential Provisions) (Northern Ireland) Regulations 2015(17) are amended in accordance with this Part.

#### Commencement Information

**I30** Reg. 30 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 2

**31.**—(1) Regulation 2 (interpretation) is amended as follows.

(2) In the appropriate place, insert—

““non-superannuable 1995 Section member” means a member of—

- (a) the 1995 Section who, on 31st March 2022, is no longer required to pay contributions under regulation 10 (3) or (4) (contributions by members) of the 1995 Regulations; and
- (b) the new scheme in respect of service on or after 1st April 2024;

“non-pensionable 2008 Section member” means a member of—

- (a) the 2008 Section who, on 31st March 2022, is a non-contributing member within the meaning of regulation 6 (interpretation of Part 2: officers) or 137 (interpretation of Part 3: general) of the 2008 Regulations; and
- (b) the new scheme in respect of service on or after 1st April 2024;

“non-pensionable old scheme member” means—

- (a) a non-pensionable 1995 Section member; or
- (b) a non-pensionable 2008 Section member;”.

(3) In the definition of “officer transition member”, after “a person” insert “other than a non-pensionable old scheme member”.

(4) In the definition of “practitioner transition member”, after “a person” insert “other than a non-pensionable old scheme member”.

#### Commencement Information

**I31** Reg. 31 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 10A

**32.** In regulation 10A (effect of recommencing service after break)(18), in paragraph (1)(a), after “a person” insert “other than a non-pensionable old scheme member”.

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(17) S.R. 2015. No. 122.

(18) Regulation 10A was inserted by S.I. 2016/245.



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**Changes to legislation:** *The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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**Commencement Information**

**I32** Reg. 32 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 14**

**33.**—(1) Regulation 14 (determination of pensionable pay, final pensionable pay and reckonable pay) is amended as follows.

(2) In paragraph (1), after the words “a 1995 officer transition member” insert “or a non-pensionable 1995 Section member”.

(3) In paragraph (2), after the words “a 2008 officer transition member” insert “or a non-pensionable 2008 Section member”.

.....

**Commencement Information**

**I33** Reg. 33 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 15**

**34.** In regulation 15 (no refund of contributions in cases of inordinate pay) for “1995 officer transition member’s final year’s pensionable pay” substitute “member’s final years’ pensionable pay in respect of a 1995 officer transition member or a non-pensionable 1995 Section member”.

.....

**Commencement Information**

**I34** Reg. 34 in operation at 1.4.2024, see [reg. 1](#)

**Amendment of regulation 16**

**35.** In regulation 16 (cessation of final salary link on payment of benefits), after “member’s benefits” insert “or a non-pensionable old scheme member’s benefits”.

.....

**Commencement Information**

**I35** Reg. 35 in operation at 1.4.2024, see [reg. 1](#)

**New regulation 17A**

**36.** After regulation 17 (Final salary link: Mental Health Officers), insert—

**“Final salary link: non-pensionable old scheme members**

**17A.**—(1) This regulation applies if benefits under the old scheme payable to or in respect of a non-pensionable old scheme member are to be calculated by reference to that member’s final salary as determined in accordance with Schedule 7 to the 2014 Act (“the member’s final salary link”).

(2) Where this regulation applies, the benefits under the old scheme payable to or in respect of the member may be calculated without reference to the member’s final salary link if it would be more beneficial to the member or other beneficiary to do so.”.

**Changes to legislation:** The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Commencement Information

**I36** Reg. 36 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 31

**37.—**(1) Regulation 31 (partial retirement)(**19**) is amended as follows.

(2) For paragraph (1) substitute#

“(1) Where a transition member or non-pensionable old scheme member elects to claim a specified percentage of that member’s pension pursuant to regulation 83 of the 2015 Regulations, that election is to be treated as also being an option for the purposes of partial retirement pension pursuant to whichever of the following regulations applies to the member#

- (a) regulation 16A of the 1995 Regulations (with or without the modifications made in paragraph 12A of Schedule 2); or
- (b) regulations 49 or 180 of the 2008 Regulations.”.

(3) For paragraph (2) substitute#

“(2) A transition member or non-pensionable old scheme member does not become entitled to a specified percentage of a pension under regulation 83 of the 2015 Regulations until the member has become entitled to and claimed all the benefits in#

- (a) the 1995 Section; or
- (b) the 2008 Section.”.

(4) For paragraph (3) substitute—

“(3) For the purposes of regulation 16A(7) and paragraph 12A of Schedule 2 to the 1995 Regulations, or regulation 49(6) and 180(5) of the 2008 Regulations, and regulation 83(5) of the 2015 Regulations (as the case may be)—

- (a) the pension, other than the pension claimed in respect of additional benefits (in the case of regulation 16A of the 1995 Regulations) or additional pension (in the case of regulation 49 and 180 of the 2008 Regulations), to which the member becomes entitled as a result of the option or election (before converting pension to lump sum) is not to be less than the amount of pension payable by reference to 20% of the aggregate of the member’s pensionable service under the 1995 Regulations, or the 2008 Regulations (as the case may be), and the 2015 Regulations at the end of the option day; and
- (b) taken together with any increase to which the member has become entitled as a result of the option or election, the aggregate of the member’s pension under the 1995 Regulations, or the 2008 Regulations (as the case may be), and the 2015 Regulations is not less than 0.05% of the member’s lifetime allowance on the option day.”.

#### Commencement Information

**I37** Reg. 37 in operation at 1.4.2024, see [reg. 1](#)

## Amendment of Regulation 35

**38.**—(1) Regulation 35 (variations to lump sums for 1995 and 2008 pensioners joining new scheme), is amended as follows.

- (2) In the heading, add “(other than pensioners who have taken a partial retirement pension)”
- (3) In paragraph (1)—
  - (a) for “and 7”, in the first place it occurs, substitute “,7, 9 and 10”;and
  - (b) after “paragraph 2 of Schedule 1” add “other than persons who have taken a partial retirement pension.”.
- (4) For paragraph (3) substitute—
  - “(3) In this regulation—
    - “partial retirement pension” means a pension under—
      - (a) regulation 16A of the 1995 Regulations;
      - (b) regulation 49 or 180 of the 2008 Regulations; or
      - (c) regulation 83 of the 2015 Regulations; and
    - “the relevant pension” means where the member has not taken partial retirement from the new scheme pursuant to regulation 83 of the 2015 Regulations, an amount equal to—
      - (a) if the member dies before reaching normal pension age in the new scheme, a tier 2 IHP within the meaning of regulation 89(1)(b) of the 2015 Regulations; or
      - (b) if the member dies on or after reaching normal pension age in the new scheme, a pension under regulation 72 of the 2015 Regulations.”.

### Commencement Information

**I38** Reg. 38 in operation at 1.4.2024, see [reg. 1](#)

## New Regulation 35A

**39.**—(1) After regulation 35 (variations to lump sums for 1995 and 2008 pensioners joining new scheme) insert—

### **“35A Variations to lump sums for 1995 and 2008 pensioners joining new scheme (pensioners who have taken a partial retirement pension)**

(1) This regulation applies to persons falling in Groups 1 to 4, 6, 7, 9 and 10 in the table at paragraph 1 of Schedule 1 and Groups 1 to 4, 6 and 7 in the table at paragraph 2 of Schedule 1 who have taken a partial retirement pension.

(2) Where this regulation applies the lump sum payable on the death of an active member in place of any lump sum otherwise payable in respect of that member under regulation 111(a) of the 2015 Regulations and regulation 85(2)(a) or regulation 193A(2)(a) of the 2008 Regulations are the lump sums found under—

- (a) paragraph (3), if the member has taken an old scheme partial retirement pension but has not taken a new scheme partial retirement pension; and
- (b) paragraph (4), if the member has taken a new scheme partial retirement pension.

(3) Where paragraph (2)(a) applies, the lump sum is an amount equal to the appropriate fraction of an amount that is the better of—

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- (a) twice the member's relevant earnings calculated in accordance with paragraph 7(2)(a)(i) of Schedule 12 to the 2015 Regulations (death of a partial retirement pensioner); and
  - (b) twice the member's re-valued pensionable earnings for the scheme year falling in the earnings reference period which has the largest re-valued pensionable earnings calculated in accordance with paragraph 7(2)(a)(ii) of Schedule 12 (lump sum on death) to the 2015 Regulations, that Schedule.
- (4) Where paragraph (2)(b) applies, the lump sum is an amount determined by the scheme manager after taking advice from the scheme actuary.
- (5) In this regulation—
- “appropriate fraction” means—
- DPS / TDPS
- where—
- DPS is, where the member continues in pensionable service as an active member of the 2015 Scheme on the option day (or the last such option day if the option has been exercised more than once), the total number of days of pensionable service in that Scheme and this Section of the scheme which do not relate to the specified percentage of pension at the option day; and
- TDPS is the aggregate of DPS and the total number of days of pensionable service (at the option day or the last such option day if the option has been exercised more than once) which relate to the specified percentage of pension payable;
- “old scheme partial retirement pension” means a pension under—
- (a) regulation 16A of the 1995 Regulations; or
  - (b) regulation 49 or 180 of the 2008 Regulations (whichever applies);
- “option day” has the meaning given in—
- (a) paragraph (11) of regulation 16A of the 1995 Regulations in the case of a member who has taken a partial retirement pension under that regulation;
  - (b) paragraph (8) of regulation 49 of the 2008 Regulations in the case of a member who has taken a partial retirement pension under that regulation; and
  - (c) paragraph (7)(b)(ii) of regulation 180 of the 2008 Regulations in the case of a member who has taken a partial retirement pension under that regulation; and
- “specified percentage of pension” has the meaning given in—
- (a) paragraph (4) of regulation 16A of the 1995 Regulations in the case of a member who has taken a partial retirement pension under that regulation;
  - (b) paragraph (4) of regulation 49 of the 2008 Regulations in the case of a member who has taken a partial retirement pension under that regulation; and
  - (c) paragraph (3) of regulation 180 of the 2008 Regulations in the case of a member who has taken a partial retirement pension under that regulation.”.

#### Commencement Information

I39 Reg. 39 in operation at 1.4.2024, see [reg. 1](#)

#### Amendment of regulation 38

**40.**—(1) Regulation 38 (death in service) is amended as follows.

- (2) In paragraph (1)—
- (a) for “the table” substitute “Table 1”;
  - (b) for the heading “Table” substitute “Table 1 Transition member entitlements”
- (3) After paragraph (1), insert—
- “(1A) As regards a non-pensionable old scheme member, or a person who derives a benefit from the old scheme or new scheme in respect of a non-pensionable old scheme member, the entitlement listed in column 1 of Table 2 is disapplied and the corresponding entitlement in column 2 applies instead.

**Table 2 - Non-pensionable old scheme member entitlements**

<i>Column 1</i>	<i>Column 2</i>
<i>Original entitlement</i>	<i>Revised entitlement</i>
PART 1	
Entitlements derived from the 1995 Section	
a lump sum on death under regulation 18.	a lump sum on death under regulation 111(a) of the 2015 Regulations which is equal to the greater of—  (a) the lump sum calculated in accordance with paragraph 2 (death of active member) of schedule 12 (lump sum on death) to the 2015 Regulations; and  (b) the lump sum otherwise due under the original entitlement to a lump sum on death under regulation 18 of the 1995 Regulations.
an initial adult survivor pension under regulation 24(3B) at the rate of the member’s superannuable pay for the first six months after the member’s death.	a pension payable from the new scheme during the initial period at the rate which is equal to the greater of—  a) the rate of the member’s pensionable earnings under regulation 114(4) of the 2015 Regulations; and  (b) the rate of the member’s pensionable pay that would have applied under the original entitlement in respect of the member under regulation 24(3B) of the 1995 Regulations  where references in regulation 24(3C) and 34(4B) and (4C) of the 1995 Section to regulation 24(3B) are to be taken to be a reference to a pension payable under regulation 114(4) of the 2015 Regulations.
an ongoing pension under regulation 24(3C) based on one half of the member’s notional ill-health pension had the member become entitled	(a) payable from the 1995 Section in respect of service in that Section, an ongoing adult survivor pension equal to the pension that would have been payable to the adult survivor

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<b>Column 1</b>	<b>Column 2</b>
<b>Original entitlement</b>	<b>Revised entitlement</b>
to a tier 2 pension under regulation 13A on the member's last day of superannuable employment.	under Regulations 23-31H of the 1995 Section if the member had retired with a pension under regulation 12 of the 1995 Section on the member's last day of pensionable employment; and  (b) payable from the new scheme in respect of service in that scheme, an ongoing survivor pension based on a Tier 2 IHP under regulation 114(5) of the 2015 Regulations.
a dependant child's pension under regulation 34 equal to the rate of the member's final year's superannuable pay, payable for the first—  (a) three months under paragraph (4C);  (b) six months under paragraph (4D);  (c) six months under paragraph (4E).	an initial pension payable from the new scheme equal to the greater of—  (a) an initial pension of the same amount and for the same duration under paragraph (6) or (7) of regulation 122 of the 2015 Regulations; and  (b) an initial pension of the same amount and for the same duration as the original entitlement in respect of the member under regulation 34 of the 1995 Regulations.
an ongoing pension under regulation 34(2A) based on a proportion of the member's notional ill-health pension had the member become entitled to a tier 2 pension under regulation 13A on the member's last day of superannuable employment or, if greater, the amount that pension would have been had it been based on 10 years pensionable service.	(a) payable from the 1995 Section in respect of service in that Section, an ongoing pension equal to the relevant proportion of the pension that would have been payable to the member if the member had retired with a pension under regulation 12 of the 1995 Section on the member's last day of pensionable employment; and  (b) payable from the new scheme in respect of service in that scheme, an ongoing pension based on the appropriate fraction of the basic death pension specified under regulation 122(3) and (4) of the 2015 Regulations.
<b>PART 2</b>	
<b>Entitlement derived from the 2008 Section</b>	
a lump sum on death under regulation 83(1) or 210(1).	a lump sum on death under regulation 111(a) of the 2015 Regulations which is equal to the greater of—  (a) the lump sum calculated in accordance with paragraph 2 (death of active member) of schedule 12 (lump sum on death) to the 2015 Regulations; and  (b) the lump sum otherwise due under the original entitlement to a lump sum on death

**Changes to legislation:** The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

<b>Column 1</b>	<b>Column 2</b>
<b>Original entitlement</b>	<b>Revised entitlement</b>
	under regulation 83(1) or 210(1) of the 2008 Regulations.
<p>a surviving adult dependent’s pension during the initial period of six months—</p> <p>(a) under regulation 69(1)(b) equal to the deceased’s reckonable pay; or</p> <p>(b) under regulation 196(1)(b) equal to the monthly average of the deceased’s uprated earnings on the member’s last day of superannuable service.</p>	<p>a pension payable from the new scheme during the initial period at the rate which is equal to the greater of—</p> <p>(a) the rate of the member’s pensionable earnings under regulation 114(4) of the 2015 Regulations; and</p> <p>(b) the rate of the deceased’s reckonable pay under regulation 69(1)(b) of the 2008 Regulations or the monthly average of the deceased’s uprated earnings on the member’s last day of pensionable service under regulation 196(1)(b) of the 2008 Regulations,</p> <p>where references in regulation 69(2) and 196(2) of the 2008 Regulations to “after the initial period” are to be taken to be a reference to the period for which the initial pension payable under regulation 114(4) of the 2015 Regulations is payable.</p>
<p>If the member has not reached the age of 65: an ongoing pension after the initial period—</p> <p>(a) under regulation 69(2)(a) equal to 37.5% of the tier 2 ill health pension under regulation 58 to which the member would have been entitled if, on the date of death, the member had become entitled to such a pension; or</p> <p>(b) under regulation 196(2)(a) equal to the appropriate proportion of the tier 2 ill health pension under regulation 182 to which the member would have been entitled if, on the date of death, the member had become entitled to such a pension.</p> <p>If the member has reached the age of 65: an ongoing pension after the initial period—</p> <p>(a) under regulation 69(2)(b) equal to 37.5% of the pension under regulation 45 to which the member would have been entitled if, on the date of death, the member had become entitled to such a pension in respect of any period of superannuable service; or</p>	<p>(a) payable from the 2008 Section in respect of service in that Section, an ongoing adult survivor pension after the initial period equal to—</p> <p>(i) 37.5% of the pension under regulation 45 to which the member would have been entitled if, on the date of death, the member had become entitled to such a pension in respect of any period of pensionable service that the member is entitled to count; or</p> <p>(ii) the appropriate proportion of the pension under regulation 176 to which the member would have been entitled if, on the date of death, the member had become entitled to such a pension in respect of any period of pensionable service that the member is entitled to count; and</p> <p>(b) payable from the new scheme in respect of service in that scheme, an ongoing survivor pension based on a Tier 2 IHP under regulation 114(5) of the 2015 Regulations.</p>

**Changes to legislation:** The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

<b>Column 1</b>	<b>Column 2</b>
<b>Original entitlement</b>	<b>Revised entitlement</b>
(b) under regulation 196(2)(b) equal to the appropriate proportion of the tier 2 ill health pension under regulation 176 to which the member would have been entitled if, on the date of death, the member had become entitled to such a pension in respect of any period of superannuable service.	
a dependant child's pension under— (a) regulation 76 equal to the rate of the deceased member's reckonable pay, payable for the first— (i) three months under paragraph (6)(ii); (ii) six months under paragraph (7)(ii); or (b) regulation 203 equal to the rate of the monthly average of the deceased's uprated earnings on the member's last day of superannuable service, payable for the first— (i) three months under paragraph (5)(ii); (ii) six months under paragraph (6)(b).	an initial pension payable from the new scheme equal to the greater of— (a) an initial pension of the same amount and for the same duration under paragraph (6) or (7) of regulation 122 of the 2015 Regulations; and (b) an initial pension of the same amount and for the same duration as the original entitlement in respect of the member under regulation 76 or 203 of the 2008 Regulations.
an ongoing pension under regulation 76(3) or 203(3) equal to the appropriate fraction of the basic death pension.	(a) payable from the 2008 Section in respect of service in that Section, an ongoing pension equal to the appropriate fraction of the basic death pension payable under – (i) regulation 76(3) of the 2008 Regulations; or (ii) regulation 203(3) of the 2008 Regulations where that pension is based on the pensionable service that the deceased was entitled to count at the date of death; and (b) payable from the new scheme in respect of service in that scheme, an ongoing pension based on the appropriate fraction of the basic death pension specified under regulation 122(3) and (4) of the 2015 Regulations.”

(4) In paragraph (2)—

- (a) for “the table”, in both places it occurs, substitute “Table 1 or Table 2” and
- (b) after the first occurrence of “column 1” add “of either table”.



**Changes to legislation:** *The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### Commencement Information

**I40** Reg. 40 in operation at 1.4.2024, see [reg. 1](#)

### Amendment of Schedule 1

**41.** In paragraph 1 of Schedule 1 (eligibility of 1995 Section pensioners to join the new scheme)(20), at the end of the table insert—

“9	a 1995 Section pensioner in receipt of a tier 2 pension under regulation 13A of the 1995 Regulations—  (a) who returns to HSC employment and the first anniversary of that return is on or after 1st April 2024; and  (b) whose protection period for the purposes of regulation 13C of the 1995 Regulations spans 1st April 2023 or begins on or after 1st April 2024.	eligible to be an active member of the new scheme on the day after the protection period in regulation 13C(6)(b) of the 1995 Regulations ends.
10	a 1995 Section pensioner, other than a tier 2 ill-health pensioner, who does not fall within one of the Groups above.	eligible to be an active member of the new scheme, or re-join the new scheme, on the first day on or after 1st April 2024 on which the member is in an employment that would, apart from the operation of regulation 19(d) of the 2015 Regulations, otherwise be eligible for membership under those Regulations.”

### Commencement Information

**I41** Reg. 41 in operation at 1.4.2024, see [reg. 1](#)

(20) The table in paragraph 1 of Schedule 1 was amended by [S.R. 2022 No 156](#) and [S.R. 2022 No 244](#).

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**Changes to legislation:** *The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## PART 6

### Amendments to the Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) 2023

#### General

**42.** The Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) 2023<sup>(21)</sup> are amended in accordance with this Part.

**43.**—(1) In Regulation 73 (partial retirement: deferred choice members) in paragraph (1) before sub-paragraph (a) insert—

“(za) regulation 16A of the 1995 Regulations<sup>(22)</sup> (partial retirement pension);”.

(2) In paragraph (5) in the definition of “specified percentage” after “given in” insert “regulation 16A(4)(a) of the 1995 Regulations,”.

#### Commencement Information

**I42** Reg. 42 in operation at 1.4.2024, see [reg. 1](#)

**I43** Reg. 43 in operation at 1.4.2024, see [reg. 1](#)

Sealed with the Official Seal of the Department of Health on 8<sup>th</sup> March 2024.

(L.S.)

*Philip Rodgers*  
A senior officer of the Department of Health

The Department of Finance consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance on 8<sup>th</sup> March 2024.

(L.S.)

*Barry Armstrong*  
A senior officer of the Department of Finance

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<sup>(21)</sup> S.R. 2023 No. 132 (N.I.).

<sup>(22)</sup> Regulation 16 was inserted by S.R. 2024 No. XX (N.I.).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (S.R.1995 No. 95) (“the 1995 Regulations”), the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008 (S.R. 2008 No.256) (“the 2008 Regulations”), the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015 (S.R. 2015 No. 120) (“the 2015 Regulations”), the Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015 (S.R. 2015 No.122) (“the 2015 Transitional Regulations”) and the Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) (“the 2023 McCloud Regulations”) S.R. 2023 No.132.

These Regulations come into operation on 1<sup>st</sup> April 2024.

Part 1 provides for citation and commencement.

Part 2 makes amendments to the 1995 Regulations to provide for partial retirement for 1995 Section members and to permanently remove the ‘16 hour rule’, which requires a member’s pension benefits to be suspended if they return to HSC employment and commit to more than 16 hours per week within one month of the pension becoming payable. Regulations 3,4 and 5 update the definitions of “final year’s pensionable pay” and “pensionable service” and add a new definition of “active member”. Regulation 6 inserts new regulations 16A, 16B and 16C. New regulation 16A which sets out the qualifying requirements for partial retirement and the entitlements. New regulation 16B deals with abatement of partial retirement benefits if members who partially retire then increase their pensionable pay. New regulation 16C makes provision for how new regulations 16A and 16B apply in circumstances where a member is in pensionable employment in two or more part-time employments. Regulation 7 updates the provisions for lump sum on retirement. Regulation 8 makes a consequential amendment to Regulation 19 and Regulation 9 inserts a new Regulation 19A to provide lump sums for members who die after a partial retirement pension becomes payable. Regulation 10 provides that any actuarial reduction applied to a partial retirement pension is not applied to the corresponding widow’s pension that is payable. Regulation 11 provides that any actuarial reduction is not applied to any child survivor pension payable. Regulation 12 disapplies the 10 year underpin from the calculation of child survivor pension payable where members have taken partial retirement. Regulation 13 provides that members taking partial retirement are not entitled to allocate part of that pension to their partner or spouse on death. Regulation 14, 17, 19 and 20 amend the 1995 Regulations to permanently remove the ‘16 hour rule’, which requires a member’s pension benefits to be suspended if they return to HSC employment and commit to more than 16 hours per week within one month of the pension becoming payable. Regulation 15 makes an amendment to exclude non-pensionable members becoming entitled to their pension without having to leave HSC employment. Regulation 16 prevents added years being included automatically in the calculation of partial retirement. Regulation 18 ensures that partial retirement pensions are in scope of the rules on reduction of added years. Regulation 21 amends the provisions in Schedule 2 on partial retirement pensions for medical and dental practitioners.

Part 3 makes amendments to the 2008 Regulations. Regulations 23 and 25 makes an amendment to allow 100% drawdown for 2008 Section members. Regulation 24 makes an amendment to exclude non-pensionable members becoming entitled to their pension without having to leave HSC employment.

**Changes to legislation:** *The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Part 4 makes amendments to the 2015 Regulations. Regulation 27 makes an amendment to allow non-pensionable old scheme members to join the 2015 Scheme. Regulation 28 makes an amendment to allow 100% drawdown in the 2015 Scheme. Regulation 29 corrects a pre-existing error in the 2015 Regulations.

Part 5 makes amendments to the 2015 Transitional Regulations. Regulation 31 inserts the new terms into the interpretation provision to cover non-pensionable old scheme members. Regulation 32 makes amendment in respect of such a member recommencing service after a break. Regulation 33 makes provision on the determination of such a member's pensionable pay, final pensionable pay and reckonable pay. Regulation 34 makes provision regarding the refund of contributions in cases of inordinate pay. Regulation 35 makes provision regarding cessation of the final salary link on payment of benefits. Regulation 36 makes provision that the final salary link may not be applied to non-pensionable old scheme members joining the 2015 scheme, if to not apply it would be more beneficial to the member. Regulation 37 makes amendments requiring members who take partial retirement to claim their benefits from the old scheme before claiming any benefits in the new scheme. Regulations 38 and 39 make provision regarding the variation of lump sums for members who have taken partial retirement. Regulation 40 makes provision for death benefits for non-pensionable old scheme members, inserting a new Table 2 setting out the benefits payable to non-pensionable old scheme members who join the 2015 scheme, ensuring their entitlements under the new scheme are not worse than under the old scheme. Regulation 41 amends the 2015 Transitional Regulations to allow certain 1995 Scheme pensioners to join the 2015 Scheme and receive the correct lump sum for death in service.

Part 6 makes amendments to the Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) 2023. Regulation 43 makes provision for the 1995 scheme members in respect of certain retirement categories supplementing or varying the effect the remedy would otherwise have in relation to benefits already in payment including those paid on the grounds of partial retirement in the interests of efficiency.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

**Changes to legislation:**

The Health and Social Care Pension Schemes (Partial Retirement etc.) Regulations (Northern Ireland) 2024 is up to date with all changes known to be in force on or before 02 June 2024.

There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- reg. 32 omitted by [S.R. 2024/117](#) reg. 33