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## EXPLANATORY NOTE

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

These Regulations make provisions for the payment of additional voluntary contributions by persons who are members of the Health and Personal Social Services Superannuation Scheme as constituted by the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (“the HPSS Superannuation Scheme” and “the 1995 Regulations”), or by their employers, in order to secure additional benefits financed by the investment of those contributions.

The Regulations have retrospective effect from 1st February 1991, as authorised by Article 14(1) of the Superannuation (Northern Ireland) Order 1972.

Regulations 1 and 2 provide for the citation, commencement and interpretation of the Regulations.

Regulation 3 provides for elections to pay periodical contributions so as to secure additional retirement and dependants' pensions and a lump sum death benefit in the event of death while paying such contributions and contains general provisions as to the making and acceptance of elections.

Regulation 4 deals with the payment of contributions and imposes limits on their total amount.

Regulation 5 provides for the variation or cancellation of elections made under regulation 3.

Regulation 6 prescribes the circumstances under which an election ceases to have effect.

Regulation 7 makes provision in relation to the investment of contributions by the Department.

Regulation 8 makes provision relating to the acceptance of a transfer value from another scheme.

Regulation 9 makes special provision regarding the acceptance of a transfer value from a personal pension scheme in the case of persons who have opted out of the HPSS Superannuation Scheme and suffered a loss as the result of a contravention which is actionable under section 62 of the Financial Services Act 1986 (mis-sold pensions). The transfer value will be the amount by which the accrued rights to benefit in the personal pension scheme exceeds the amount required under regulation 62A(2) of the 1995 Regulations to restore the person's service in the HPSS Superannuation Scheme.

Regulation 10 makes provision regarding payment of a transfer value (representing the value of the investments) to another scheme.

Regulation 11 provides for the payment of retirement and dependants' pensions and for the making of elections relating thereto.

Regulation 12 provides for the payment of lump sum death benefits.

Regulation 13 and the Schedule impose limits on benefits payable under the Regulations.

Regulation 14 provides for the realisable value of investments to be repaid where contributions under the 1995 Regulations are repaid.

Regulation 15 makes provision in relation to the circumstances in which the Department will make any payment of benefits that an authorised provider fails to make. It also makes provision as to the persons to whom certain payments are to be made and as to the deduction of income tax.

Regulation 16 provides for the Department to be given information needed for the purposes of its functions under the Regulations.

Regulation 17 provides for payments, up to the prescribed maximum (currently £5,000), payable to the personal representatives of deceased persons, to be made without proof of title.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 18 provides that on bankruptcy or sequestration benefits under the Regulations may be assigned to a person's trustee in bankruptcy, but only if the court makes an order to that effect. Benefits are otherwise not assignable by virtue of regulation 11(2)(c).

Regulation 19 provides for the offsetting of any benefits arising from the employer's contributions in circumstances of crime, negligence or fraud.

Regulation 20 provides for the forfeiture of rights to any benefits arising from the employer's contributions in certain circumstances.

Regulation 21 provides for the determination of questions by the Department.