

2002 No. 69

HEALTH AND PERSONAL SOCIAL SERVICES

**The Health and Personal Social Services (Superannuation)
(Amendment) Regulations (Northern Ireland) 2002**

Made 28th February 2002

Coming into operation 1st May 2002

The Department of Health, Social Services and Public Safety(a), in exercise of the powers conferred on it by Articles 12(1), (2), (2A)(b) and (3) and 14(c) (1), (2), (3) and (3A)(d) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(e) and of all other powers enabling it in that behalf, after consulting with such representatives of persons likely to be affected by these Regulations as appear to it to be appropriate as required by Article 12(4) of that Order, and with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation) (Amendment) Regulations (Northern Ireland) 2002.

(2) These Regulations shall come into operation on 1st May 2002. Regulation 6 shall have effect from 30th June 2000 and regulations 5 and 9 shall have effect from 1st July 2000.

Interpretation

2. In these Regulations, “the principal Regulations” means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(f).

Amendment of regulation 2 of the principal Regulations (Interpretation)

3. In regulation 2 of the principal Regulations (Interpretation)—

(a) See S.I. 1999/283 (N.I. 1); Article 3(6)
(b) Paragraph 2A and paragraph 11 were inserted by Article 10(5) and Article 10(6) of S.I. 1990/1509 (N.I. 13)
(c) Article 14 of the Superannuation (Northern Ireland) Order was amended by Article 12 of S.I. 1990/1509 (N.I. 13)
(d) As inserted by Article 12(3) of S.I. 1990/1509 (N.I. 13)
(e) S.I. 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13)
(f) S.R. 1995 No. 95 as amended by S.R. 1997 Nos. 217 and 390; S.R. 1998 No. 299 and S.R. 1999 No. 293

(1) In the definition of “dental pilot scheme employee”(a) for the word “individual” where it occurs in the second place, there shall be substituted the words “a person”.

(2) In the definition of “medical pilot scheme employee”(b) for the word “individual” where it occurs in the second place, there shall be substituted the words “a person”.

Amendment of regulation 14 of the principal Regulations (Early retirement pension (redundancy etc))

4. In paragraph (1)(b) of regulation 14 (Early retirement pension (redundancy etc)) for the words from “certifies” to the end there shall be substituted the following words:—

“certifies—

- (a) that the member’s employment is terminated by reason of redundancy; or
- (b) with the agreement of the employing authority, that the member’s employment is terminated in the interests of the efficiency of the service in which he is employed.”.

Amendment of regulation 22 of the principal Regulations (Payment of Lump Sum)

5. For paragraphs (1) to (3) of regulation 22 (Payment of lump sum) there shall be substituted the following paragraphs:—

“(1) A lump sum under any of regulations 18 to 21 shall be paid in accordance with the following paragraphs.

(2) Unless paragraph (3) or (3A) applies, where a member dies the lump sum shall be paid to the member’s personal representative.

(3) Where the member dies and leaves a widow or widower, the lump sum may be paid to the widow or widower, unless—

- (a) the member has given notice to the Department in accordance with paragraph (3B) that the widow or widower is not to receive the payment, and has not revoked that notice; or
- (b) paragraph (3A) applies.”.

“(3A) Where the member has given notice to the Department in accordance with paragraphs (3B) and (3C) that the lump sum is to be paid to a person specified in the notice, and has not revoked that notice, the lump sum may be paid to that person unless—

- (a) that person has died before the payment can be made; or
- (b) payment to that person is not, in the opinion of the Department, reasonably practicable.

3(B) Notice to the Department for the purpose of paragraphs (3) or (3A)—

(a) This definition was inserted by S.R. 1999 No. 293

(b) This definition was inserted by S.R. 1999 No. 293

- (a) shall be given only by a member who is in superannuable employment under the scheme;
 - (b) shall be given in writing; and
 - (c) may at any time be revoked in writing
- and, subject to sub-paragraph (a), a member who revoked such a notice may give further notice for the purpose of one of those paragraphs.

Amendment of regulation 49 of the principal Regulations (Preserved pension)

6. In regulation 49 (Preserved pension)—

(1) for paragraph (2) there shall be substituted the following paragraph:—

“(2) The pension under this regulation will be calculated—

- (a) where it becomes payable by virtue of paragraph (3)(d), in accordance with paragraphs (2) to (4) of regulation 16 (Early retirement pension (with actuarial reduction)), as if it were a pension under that regulation; and
- (b) in any other case, as described in regulation 12 (Normal retirement pension)

and the retirement lump sum will be calculated as described in regulation 17 (Lump sum on retirement).”.

(2) In paragraph (3) after sub-paragraph (c) there shall be inserted the following sub-paragraph:—

“(d) the member—

- (i) left superannuable employment on or after 30th June 2000,
- (ii) has reached the age of 50, and
- (iii) has applied to the Department for payment of the pension and retirement lump sum under this regulation.”.

(3) In paragraph (4) for the words from “authority)” to “the pension” there shall be substituted the following words:—

“authority)—

- (a) in the case of a member to whom sub-paragraph (d) of paragraph (3) applies, when he makes the application referred to in head (iii) of that sub-paragraph; or
- (b) in any other case, when he reaches the age of 60, the pension”.

Amendment of regulation 78 of the principal Regulations (Part-time employment)

7.—(1) In paragraph (6) of regulation 78 (Part-time employment) after the words “ill health))” there shall be inserted the words “or regulation 14 (Early retirement pension (redundancy etc))—”.

(2) In sub-paragraph (a) of paragraph (6) for the words from “calculating” to the end there shall be substituted the following words:—

“calculating—

- (i) whether and (if so) to what extent, the superannuable service upon which the pension under regulation 13 (Early retirement pension (ill health)) is based should be increased under that regulation, or
- (ii) the qualifying service for the purposes of regulation 14(1)(a) (Early retirement pension (redundancy etc));”

(3) In sub-paragraph (b) of paragraph (6) for the words from “and the increase under regulation 13” there shall be substituted the words “and, in the case of a pension under regulation 13, the increase under that regulation.”.

Amendment of regulation 84 of the principal Regulations (Suspension of pension on return to HPPS employment)

8. In paragraph (1) of regulation 84 (Suspension of pension on return to HPSS employment) for the words “in regulation 49(4)” there shall be substituted the words “in regulation 49”.

Amendment of regulation 85 of the principal Regulations (Reduction of pension on return to HPSS employment)

9. In paragraph (1) of regulation 85 (Reduction of pension on return to HPSS employment) for the words “regulations 12 to 16 or 49,” there shall be substituted the words “regulations 12 to 15 or in accordance with regulation 49(2)(b),”.

Transitional arrangements

10. Any notice given before 1st July 2000 under paragraph (1) of regulation 22 of the principal Regulations (Payment of lump sum) as then in operation shall be treated on and after that date as if it were a notice given for the purpose of paragraph (3) of that regulation as amended by regulation 5 of these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 28th February 2002.

(L.S.)

David C. Bingham
Senior Officer of the Department of Health,
Social Services and Public Safety

The Department of Finance and Personnel hereby consents to the foregoing regulations

Sealed with the Official Seal of the Department of Finance and Personnel on 28th February 2002.

(L.S.)

Wendy Johnston
Senior Officer of the Department of
Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Health and Personal Social Services (Superannuation) Regulations 1995 (“the principal Regulations”) which provide for the superannuation of persons engaged in the Health and Personal Social Services.

Regulation 6 shall have retrospective effect from 30th June 2000 and regulations 5 and 9 shall have retrospective effect from 1st July 2000 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 makes minor amendments to definitions contained in regulation 2 of the principal Regulations (Definitions).

In relation to early retirement pension under regulation 14 of the principal Regulations (Early retirement pension (redundancy etc.)), provision is made for a member’s employment to be certified as terminated in the interests of the service only where his employing authority agrees (regulation 4), and for the reckoning of service in part-time employment for the purposes of that pension (regulation 7).

New arrangements are made for members to nominate someone other than their surviving spouse as the person who is to receive the lump sum payable on their death, with transitional protection for existing arrangements (regulations 5 and 10).

Provision is made for a member who leaves superannuable employment on or after 30th June 2000 with preserved pension rights under regulation 49 of the principal Regulations (Preserved pension) to elect to receive an actuarially reduced pension and lump sum after attaining the age of 50 (regulation 6).

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