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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 188**

The Health and Personal Social Services  
(Superannuation Scheme and Injury Benefits)  
and Health and Social Care (Pension Scheme)  
(Amendment) Regulations (Northern Ireland) 2009

PART 3

AMENDMENT OF THE HEALTH AND SOCIAL CARE (PENSION  
SCHEME) REGULATIONS (NORTHERN IRELAND) 2008

**Amendment of regulation 203**

67.—(1) Regulation 203 (Amount of children’s pension under regulation 201: deceased active members) is amended as provided by paragraphs (2) to (6).

(2) In the heading after “deceased active members” insert, “and deceased non-contributing members”.

(3) In paragraph (1) after “active” insert, “,or a non-contributing member”.

(4) For paragraph (3), substitute—

“(3) In this regulation “the basic death pension” means twice the appropriate proportion of the deceased member’s pension under regulation 176 and—

(a) in the case of an active member, that pension will include the greater of—

(i) any increase due to such enhancement period (if any) that would have applied for the purposes of regulation 182(5) if the deceased had become entitled to a tier 2 ill-health pension on the date of death, and

(ii) 10 years' pensionable service;

(b) in the case of a non-contributing member, will be based on the pensionable service that the deceased was entitled to count on the date of death.”.

(5) In paragraph (5) for “equal to the average rate of the member’s pensionable earnings during the complete quarter before he died.”, substitute—

“equal to—

(i) in the case of a deceased active member, the average rate of the deceased’s pensionable earnings during the last complete quarter before the member died, and

(ii) in the case of a deceased non-contributing member, the rate of the monthly average of the deceased’s uprated earnings on the member’s last day of pensionable service.”.

(6) For paragraph (6), substitute—

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**Status:** This is the original version (as it was originally made).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

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“(6) In a case within paragraph (4)(b) or (c), the rate of pension in respect of the dependent child or children for the period of 6 months beginning with the deceased’s death is equal to—

- (a) in the case of a deceased active member, the average rate of the deceased’s pensionable earnings during the last complete quarter before the member died; and
- (b) in the case of a deceased non-contributing member, the rate of the monthly average of the deceased’s uprated earnings on the member’s last day of pensionable service.”.