

STATUTORY RULES OF NORTHERN IRELAND

**2015 No. 167**

**The Health Service Workers (Consequential Provisions) Regulations (Northern Ireland) 2015**

**PART 4**

**Modification of tax regime**

**Lifetime allowance charge**

- 13.**—(1) This regulation applies to a person (P), who—
- (a) is a member of the old scheme whether by virtue of pensionable service for that scheme or deemed transfer scheme service under paragraph 2 of Schedule 7 to the 2014 Act (final salary link);
  - (b) is a member of the new scheme by virtue of pensionable service for the new scheme;
  - (c) is being paid an ill health at Tier 1 or Tier 2 under the new scheme; and
  - (d) has an ill health pension paid from the new scheme reduced, as a consequence of P becoming entitled to payment of a scheme pension (within the meaning of paragraph 2 of Schedule 28 to the Finance Act 2004)(1) under the old scheme.
- (2) Section 216 of the Finance Act 2004(2) (benefit crystallisation events and amounts crystallised) is modified in its application to P as specified in paragraph (3).
- (3) The payment of any scheme pension from the old scheme to P is treated as if it was not a benefit crystallisation event within the meaning of section 216 of the Finance Act 2004.

**Commencement Information**

**II** Reg. 13 in operation at 1.4.2015, see [reg. 1](#)

**Annual allowance charge:**

- 14.**—(1) This regulation applies to a person (P), who—
- (a) is a member of the old scheme whether by virtue of pensionable service for that scheme or deemed transfer scheme service under paragraph 2 of Schedule 7 to the 2014 Act (final salary link);
  - (b) is a member of the new scheme by virtue of pensionable service for the new scheme; and

(1) [2004 c.12](#). Paragraph 2 was amended by sections 101 and 104 of, and Schedules 10 and 11 to, the Finance Act [2005 \(c.7\)](#); by section 161 of, and Schedule 23 to, the Finance Act [2006 \(c.25\)](#); by section 70 of, and Schedule 20 to, the Finance Act [2007 \(c.11\)](#); by section 51 of the Finance Act [2013 \(c.29\)](#); and by [S.I. 2007/493](#)

(2) Section 216 was amended by section 101 of, and paragraphs 1 and 31 of Schedule 10 to, the Finance Act [2005 \(c.7\)](#); section 161 of, and paragraphs 1 and 30 of Schedule 23 to, the Finance Act [2006 \(c.25\)](#); by section 92 of, and paragraphs 4 and 5 of Schedule 29 to, the Finance Act [2008 \(c.9\)](#); and by section 65 of, and paragraphs 62 and 73 of Schedule 16 to, the Finance Act [2011 \(c.11\)](#).

(c) becomes entitled to immediate payment of an ill health pension at Tier 1 or Tier 2 under the new scheme.

(2) Section 234 of the Finance Act 2004<sup>(3)</sup> (defined benefit arrangements) is modified in its application to P as specified in paragraph (3).

(3) When calculating the closing value of P's rights under the new scheme for the pension input period during which P becomes entitled to payment of the ill health pension, the element of the ill health pension at Tier 1 that represents pensionable service for the old scheme is not to be counted as being part of the closing value.

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**Commencement Information**

**I2** Reg. 14 in operation at 1.4.2015, see [reg. 1](#)

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<sup>(3)</sup> Section 234 was amended by section 66 of, and paragraphs 1, 10 and 27 of Schedule 17 to, the Finance Act 2011 (c.11).

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Service Workers (Consequential Provisions) Regulations (Northern Ireland) 2015, PART 4.