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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 122**

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

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

*Made* - - - - *6th March 2015*

*Coming into operation* *1st April 2015*

The Department of Health, Social Services and Public Safety, with the consent of the Department of Finance and Personnel, makes the following Regulations in exercise of the powers conferred by Articles 12(1) and (2) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972<sup>(1)</sup> and sections 1, 3 and 18(5) of, and Schedule 3 to, the Public Service Pensions Act (Northern Ireland) 2014<sup>(2)</sup>.

In accordance with Article 12(4) of the Superannuation (Northern Ireland) Order 1972 and section 21 of the Public Service Pensions Act (Northern Ireland) 2014, the Department has consulted with representatives of persons likely to be affected by these Regulations, as appeared to the Department to be appropriate.

In accordance with section 3(5) of the Public Service Pensions Act (Northern Ireland) 2014, the Department of Finance and Personnel has consented to the making of these Regulations.

**PART 1**

**Introductory**

**Citation and commencement**

**1.—(1)** These Regulations may be cited as the Health and Social Care Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015 and shall come into operation on the 1st April 2015.

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(1) 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13); 1993 c.49 and S.I. 2002/1555  
(2) 2014 c.2 (N.I.)

## Interpretation

### 2.—(1) In these Regulations—

“1995 officer transition member” means a person who is an officer transition member by virtue of having superannuable service in the 1995 Section;

“1995 Regulations” means the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(3);

“1995 Section” means the section of the Health and Social Care Pension Scheme as set out in the 1995 Regulations;

“2008 officer transition member” means a person who is an officer transition member by virtue of having pensionable service in the 2008 Section;

“2008 Regulations” means the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(4);

“2008 Section” means the section of the Health and Social Care Pension Scheme as set out in the 2008 Regulations;

“2014 Act” means the Public Service Pensions Act (Northern Ireland) 2014(5);

“2015 Regulations” means the Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015(6);

“new scheme” means the scheme set out in the 2015 Regulations;

“HSC employment”, in relation to the old scheme and the new scheme has the meaning given in the respective Regulations;

“officer transition member” means a person who is both a member of—

- (a) the old scheme by virtue of having pensionable service in that scheme to which paragraphs 1(2)(b)(i) and (ii) or paragraphs 2(2)(b)(i) and (ii) of Schedule 7 (final salary link) to the 2014 Act applies; and
- (b) the new scheme by virtue of having pensionable service in that scheme that would have been treated as officer service for the purposes of the old scheme had it been service in the old scheme;

“old scheme” means the Health and Social Care Pension Scheme, as set out in the 1995 Regulations and the 2008 Regulations;

“practitioner transition member” means a person—

- (a) who is both a member of—
  - (i) the old scheme by virtue of having pensionable service to which Schedule 2 to the 1995 Regulations or Part 3 of the 2008 Regulations applies;
  - (ii) the new scheme by virtue of having pensionable service in that scheme that would have been treated as practitioner service for the purposes of the old scheme had it been service in the old scheme; and
- (b) whose pensionable service for the old scheme and pensionable service for the new scheme are continuous, where—

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(3) S.R. 1995 No.95 as amended by S.R. 1997 Nos.217 and 390; S.R. 1998 No.299; S.R. 1999 No.293; S.R. 2002 No.69; S.R. 2004 Nos.103 and 104; S.R. 2005 Nos.155, 533, 534 and 565; S.R. 2006 Nos.159 and 410; S.R. 2008 Nos.96, 130 and 163; S.R. 2009 Nos.65 and 188; S.R. 2010 Nos.22, 286 and 420; S.R. 2011 No.256; S.R. 2012 Nos.42 and 78; S.R. 2013 Nos.40, 73, 247 and 259; S.R. 2014 Nos.59 and 225 and S.R. 2015 Nos.56 and 121

(4) S.R. 2008 No.256 as amended by S.R. 2009 Nos.65 and 188; S.R. 2010 Nos.22, 286 and 420; S.R. 2011 No.256; S.R. 2012 Nos.42 and 78; S.R. 2013 Nos.40, 73, 247 and 259; S.R. 2014 Nos.59 and 225 and S.R. 2015 Nos.56 and 121

(5) 2014 c.2 (N.I.)

(6) S.R. 2015 No.120

- (i) paragraphs 3 and 4 of Schedule 7 to the 2014 Act (continuity of employment etc.) apply as they apply for the purposes of paragraphs 1(2) and 2(2) of that Schedule; and
- (ii) the person's pensionable service for the old scheme and pensionable service for the new scheme are not continuous if scheme regulations made pursuant to section 8A(4)(b) of the Pensions (Increase) Act (Northern Ireland) 1971<sup>(7)</sup> (references to "service": relevant old scheme pension in payment) apply to the person;

"scheme manager" has the meaning given in regulation 3 of the 2015 Regulations;

"transition member" means a person who is either an officer transition member or a practitioner transition member.

(2) In these Regulations any reference to pensionable employment, pensionable pay or pensionable service in relation to the old scheme, the 1995 Regulations or the 1995 Section includes a reference to superannuable employment, superannuable pay or superannuable service as respectively defined in the 1995 regulations.

## PART 2

### Transitional provisions

#### CHAPTER 1

##### Eligibility

#### **Eligibility of pensioners**

3. Schedule 1 (Eligibility of pensioners) has effect.

#### CHAPTER 2

##### Notices and elections

#### **Carry-forward of old scheme opt-out**

4. Where, on the date a person becomes eligible to join the new scheme, that person has—
- (a) opted out of membership of the old scheme pursuant to regulation—
    - (i) 9 of the 1995 Regulations; or
    - (ii) 25 or 157 of the 2008 Regulations; or
  - (b) provided their employer with a valid opt-out notice for the purposes of regulations 9 or 15 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010<sup>(8)</sup> ("the 2010 Regulations"),

that person is to be treated as having also opted out under paragraph 1 of Schedule 4 to the 2015 Regulations or given notice for the purposes of the 2010 Regulations in relation to the new scheme.

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(7) [1971 c.35 \(N.I.\)](#) Section 8A was inserted by paragraph 2 of Schedule 8 to the [Public Service Pensions Act \(Northern Ireland\) 2014 \(c.2 N.I.\)](#)

(8) [S.R. 2010 No.122](#); Regulation 9 was amended by [S.R. 2013 No.243](#)

## Nominations, notices and declarations

### 5.—(1) Paragraph (2) applies where—

- (a) a nomination, notice or declaration of the type specified in column 1 of the table has been accepted in respect of benefits to be paid on the death of a person who is a member of the 1995 Section or the 2008 Section of the old scheme; and
- (b) on the day that the member becomes an active member of the 2015 Scheme, the member has not revoked that nomination, notice or declaration.

**Table**

<i>Column 1</i>	<i>Column 2</i>
<i>Nomination, notice or declaration in the 1995 Section or 2008 Section</i>	<i>Corresponding notice or declaration in the 2015 Scheme</i>
A nomination made in accordance with regulation 22 of the 1995 Regulations (payment of lump sum) in favour of one or more persons in respect of any lump sum that becomes payable under regulations 18 to 21 of the 1995 Regulations (which deal with lump sum payments on the death of a 1995 Section member in different circumstances).	A notice given in accordance with paragraph 9 (payment of lump sums on death) of Schedule 12 (lump sum on death) to the 2015 Regulations in favour of one or more persons in respect of any lump sums that become payable under regulation 111 of the 2015 Regulations.
A notice given in accordance with regulation 67 or 214 of the 2008 Regulations (payment of lump sums or pensions on death) in favour of one or more persons in respect of any lump sums or pensions that become payable under regulation 82 or 209 of the 2008 Regulations (which deal with lump sum or pension payments on the death of a 2008 Section member in different circumstances).	
A notice given for the purpose of paragraph (3) (a) of regulation 22 of the 1995 Regulations that the member's surviving partner (within the meaning of that regulation) is not to receive payment of any lump sum that becomes payable under regulations 18 to 21 of the 1995 Regulations.	A notice given in accordance with paragraph 9 (payment of lump sums on death) of Schedule 12 (lump sum on death) to the 2015 Regulations specifying that the member's personal representatives are to receive any lump sum on the death of the member payable under regulation 111 of the 2015 Regulations.
A notice given for the purposes of regulation 31E of the 1995 Regulations (surviving nominated partner's pension) nominating a partner to receive a nominated partner pension).	A declaration made for the purpose of regulation 113 of the 2015 Regulations (surviving nominated partner) for the purposes of entitlement to a surviving nominated partner's pension.
A declaration made for the purpose of regulation 68 or 195 of the 2008 Regulations (meaning of "surviving nominated partner") for the purposes of entitlement to a surviving nominated partner's pension.	

(2) Where this paragraph applies, for the purposes of the 2015 Scheme, the nomination, notice or declaration mentioned is to be treated as if it had been accepted by the scheme manager as the corresponding notice or declaration in column 2 of the table in paragraph (1).

(3) The revocation of—

- (a) a nomination, notice or declaration of the type specified in column 1 of the table in paragraph (1) will also revoke the corresponding notice or declaration in column 2 of that table without more;
- (b) a notice or declaration of the type specified in column 2 of the table in paragraph (1) will also revoke the corresponding nomination, notice or declaration in column 1 of that table without more.

(4) The—

- (a) making of a new a nomination or declaration, or giving of a new notice, of the type specified in column 1 of the table in paragraph (1) is also to be treated by the scheme manager as the giving of the corresponding notice or making of the corresponding declaration in column 2 of that table without more;
- (b) giving of a new a notice or making of a new declaration of the type specified in column 2 of the table in paragraph (1) is also to be treated by the Department as the making of the corresponding nomination or declaration, or giving of the corresponding notice, of the type specified in column 1 of that table without more.

## CHAPTER 3

### Membership status and breaks in service

#### Active member status preservation

6. Unless otherwise provided in these Regulations, a transition member who is an active member of the new scheme is to be treated, for the purposes of the old scheme, as though they continue to be an active member of the old scheme notwithstanding the operation of section 18(1) of the 2014 Act.

#### Qualifying service

7.—(1) In determining whether a transition member who is in pensionable service under the new scheme qualifies for retirement benefits (other than ill-health pension) under the old scheme, the member's pensionable service under the old scheme terminates when the member's pensionable service under the new scheme terminates.

(2) Unless a transition member becomes a deferred member of the new scheme, the member does not become—

- (a) a member with a preserved pension in the 1995 Section; or
- (b) a deferred member of the 2008 Section.

(3) Where a transition member with more than two years of qualifying service opts out of membership of the new scheme pursuant to regulation 15 of the 2015 Regulations, the member becomes—

- (a) a member with a preserved pension under the 1995 Section; or
- (b) a deferred member of the 2008 Section,

in relation to service in that Section.

(4) Where a transition member has re-entered pensionable service under the new scheme, that member ceases to be—

- (a) a member with a preserved pension in the 1995 Section; or