
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 40

The Health and Personal Social Services
(Superannuation Scheme and Injury Benefits)
and Health and Social Care (Pension Scheme)
(Amendment) Regulations (Northern Ireland) 2013

PART 3

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

Amendment of the 2008 Regulations

8. The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(1) are amended as provided by regulations 9 to 20.

Amendment of regulation 6

9.—(1) Regulation 6 (Interpretation: general) is amended as provided by paragraphs (2) and (3).

(2) At the appropriate place in alphabetical order, insert the following definitions—

““dental list” means a list kept pursuant to the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993;

“dental pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by a person providing those services;

“HSC dental employee” means an individual who, in connection with the provision of health care in the health service is employed by—

- (a) a HSC Trust;
- (b) the Regional Board;
- (c) a registered dentist; or
- (d) a registered dentist who is providing personal dental services in accordance with a pilot scheme;

“HSC Trust” means a trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;

“personal dental services” has the meaning given in Article 3(7) of the 1997 Order;

“pilot scheme” has the meaning given in Article 3(1) of the 1997 Order;

(1) [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](#)

“piloted services” has the meaning given in Article 3(4) of the 1997 Order;

“Regional Board” means the Regional Health and Social Care Board, established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

“registered dentist” has the meaning given in section 53(1) of the Dentists Act 1984;”.

(3) In the definition of “employing authority” for paragraph (j) substitute—

“(j) Health and Social Care Trust (HSC Trust) established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;”.

Amendment of regulation 9

10. In regulation 9 (Pensionable service: breaks in service)(2) after paragraph (9) add—

“(10) For the duration of any pilot scheme—

(a) a member who provides piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as a practitioner whether or not his name is included on a dental list prior to the commencement of the pilot scheme; and

(b) a member who performs piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as an officer whether or not his name is included on a dental list prior to the commencement of the pilot scheme.”.

Amendment of regulation 22

11. In regulation 22 (Restrictions on eligibility: general)(3), after paragraph (8) add—

“(9) A person is not eligible to be an active member of this Section of the Scheme if that person is a person, other than a registered dentist, who is employed as a dental pilot scheme employee otherwise than by a HSC Trust, and who either—

(a) was, immediately prior to the commencement of such employment, a HSC dental employee who was not eligible to join the scheme; or

(b) has not previously been in employment as a HSC dental employee.

(10) A person is not eligible to be an active member of this Section of the Scheme if that person is a provider of personal dental services under a pilot scheme to whom these Regulations did not apply immediately prior to the commencement of the pilot scheme, other than a registered dentist.”.

Amendment of regulation 28

12. In regulation 28 (Contribution rate for members other than non-GP Providers)(4) omit paragraph (4).

Amendment of regulation 55

13. In regulation 55 (Early retirement on termination of employment by employing authority)(5), for paragraph (8) substitute—

“(8) This regulation does not apply to—

(2) Regulation 9 was amended by [S.R. 2009 No.65](#), regulation 26

(3) Regulation 22 was amended by [S.R. 2009 No.65](#), regulation 30; [S.R. 2009 No.188](#), regulation 17 and [S.R. 2010 No.286](#), regulation 21

(4) Regulation 28 was substituted by [S.R. 2010 No.420](#), regulation 12 and amended by [S.R. 2012 No.78](#), regulation 12

(5) Regulation 55 was amended by [S.R. 2009 No.188](#), regulation 28

- (a) practice staff;
- (b) a member who is providing piloted services;
- (c) a member to whom regulation 155A(1)(a) or (b) applies; or
- (d) a member who is a dental pilot scheme employee and who is employed by a provider of piloted services other than a HSC Trust.”.

Amendment of regulation 137

14.—(1) Regulation 137 (Interpretation of Part 3: general) is amended as provided by paragraphs (2) to (5).

(2) For the definition of “the 1997 Order” substitute—

““the 1997 Order” means the Health Services (Primary Care) (Northern Ireland) Order 1997(6).”.

(3) In the definition of “employing authority” for paragraph (k) substitute—

“(k) Health and Social Care Trust (HSC Trust) established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;”.

(4) For the definition of “pensionable earnings ceiling” substitute—

““pensionable earnings ceiling” in relation to—

- (a) GDS arrangements;
- (b) piloted services;

is to be construed in accordance with regulation 143(4);”.

(5) At the appropriate place in alphabetical order insert the following definitions—

““dental list” means a list kept pursuant to the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993;

“dental pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by a person providing those services;

“HSC dental employee” means an individual who, in connection with the provision of health care in the health service is employed by—

- (a) a HSC Trust;
- (b) the Regional Board;
- (c) a registered dentist; or
- (d) a registered dentist who is providing personal dental services in accordance with a pilot scheme;

“HSC Trust” means a trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991;

“personal dental services” has the meaning given in Article 3(7) of the 1997 Order;

“pilot scheme” has the meaning given in Article 3(1) of the 1997 Order;

“piloted services” has the meaning given in Article 3(4) of the 1997 Order;

“Regional Board” means the Regional Health and Social Care Board, established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

“registered dentist” has the meaning given in section 53(1) of the Dentists Act 1984;”.

Amendment of regulation 143

15.—(1) Regulation 143 (Meaning of “pensionable earnings”)(7) is amended as provided by paragraphs (2) to (6).

- (2) In paragraph (1) omit the word “medical” where it first occurs.
- (3) In paragraph (3) after “GDS arrangements” insert “or piloted services”.
- (4) In paragraph (4) after “GDS arrangement” insert “or piloted service”.
- (5) In paragraph (5)—
 - (a) after “GDS arrangements” insert “or piloted services”; and
 - (b) after “GDS service” insert “or piloted service”.
- (6) In paragraph (6) after “GDS arrangement” insert “or piloted service”.

Amendment of regulation 144

16. In regulation 144 (Pensionable earnings – breaks in service)(8), after paragraph (10) add—

- “(11) For the duration of any pilot scheme—
- (a) a member who provides piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as a practitioner whether or not his name is included on a dental list prior to the commencement of the pilot scheme; and
 - (b) a member who performs piloted services under a dental pilot scheme and who is absent from work by reason of illness or injury shall be treated as an officer whether or not his name is included on a dental list prior to the commencement of the pilot scheme.”.

Amendment of regulation 149

17. In regulation 149 (Meaning of pensionable earnings in relation to other practitioners)(9) after paragraph (2), insert—

- “(2A) In the case of—
- (a) a practitioner providing piloted services, pensionable earnings means all fees and other regular payments paid to the practitioner in respect of the provision of piloted services, but does not include bonuses or payments made to cover expenses or for overtime or any payment made to the practitioner in respect of the provision of locum services;
 - (b) a practitioner employed as a dental pilot scheme employee, or to whom regulation 155A(1)(b) applies, pensionable earnings means all salaries or wages paid to the practitioner in respect of employment as a practitioner, but does not include bonuses or payments made to cover expenses or for overtime or any payment made to the practitioner in respect of the provision of locum services.”.

Amendment of regulation 154

18. In regulation 154 (Restrictions on eligibility: general)(10), after paragraph (7) add—

(7) Regulation 143 was amended by [S.R. 2009 No.65](#), regulation 56 and [S.R. 2010 No.22](#), regulation 59
 (8) Regulation 144 was amended by [S.R. 2009 No.65](#), regulation 57
 (9) Regulation 149 was amended by [S.R. 2010 No.22](#), regulation 61
 (10) Regulation 154 was amended by [S.R. 2009 No.65](#), regulation 59; [S.R. 2009 No.188](#), regulation 51 and [S.R. 2010 No.286](#), regulation 39

“(8) A person is not eligible to be an active member of this Section of the Scheme if that person is a person, other than a registered dentist, who is employed as a dental pilot scheme employee otherwise than by a HSC Trust, and who either—

- (a) was, immediately prior to the commencement of such employment, a HSC dental employee who was not eligible to join the scheme; or
- (b) has not previously been in employment as a HSC dental employee.

(9) A person is not eligible to be an active member of this Section of the Scheme if that person is a provider of personal dental services under a pilot scheme to whom these Regulations did not apply immediately prior to the commencement of the pilot scheme, other than a registered dentist.”.

Insertion of new regulation 155A

19. After regulation 155 (Concurrent employments) insert—

“Participators in pilot schemes

155A.—(1) For the purposes of these Regulations, for the duration of any pilot scheme—

- (a) a registered dentist—
 - (i) who is, in relation to the pilot scheme, a person providing piloted services, or a dental pilot scheme employee; and
 - (ii) who, immediately prior to the commencement of the pilot scheme, was a member of the scheme by reason of his employment as a practitioner, shall be treated as a practitioner employed by the Regional Board;
- (b) a registered dentist who is engaged, under a contract for services, by a person providing piloted services to carry out personal dental services in accordance with a pilot scheme shall be treated as a practitioner employed by the Regional Board;
- (c) a registered dentist shall be treated as an officer if—
 - (i) he is a dental pilot scheme employee; and
 - (ii) immediately prior to the commencement of the pilot scheme he was a member by virtue of his employment as an officer; and
 - (iii) his name was at that time included in a dental list immediately prior to the commencement of the pilot scheme;
- (d) a registered dentist to whom paragraph (a) does not apply shall—
 - (i) if he is providing piloted services, be treated as a practitioner employed by the Regional Board; or
 - (ii) if he is a dental pilot scheme employee, be treated as an officer;
- (e) a member, who immediately prior to the commencement of a pilot scheme—
 - (i) was employed as a HSC employee or as a HSC dental employee and was not a registered dentist; or
 - (ii) was employed as a dental pilot scheme employee, and was not a registered dentist, and who, after the commencement of the pilot scheme, is providing piloted services, shall be treated as a whole-time officer employed by the Regional Board;
- (f) a person other than a registered dentist who—

- (i) is employed as a dental pilot scheme employee otherwise than by a HSC Trust;
 - (ii) immediately prior to the commencement of such employment, was employed by an HSC Trust or by the Regional Board as a HSC dental employee; and
 - (iii) was at that time a member,
- shall continue to be eligible to be a member.

(2) Notwithstanding paragraph (1), where the provider of a piloted service is a qualifying body, it shall be liable to pay contributions under regulation 31 or 162 as appropriate, as if it were an employing authority in respect of a member to whom paragraph (1)(b) applies, or who is employed by the qualifying body as a dental pilot scheme employee.

(3) For the purposes of this regulation, “qualifying body” means—

- (a) a body corporate which, in accordance with the provisions of Part IV of the Dentists Act 1984(11), is entitled to carry on the business of dentistry; or
- (b) a company which is limited by shares, all of which are legally and beneficially owned by persons falling within sub-paragraph (a), (b), (c) or (e) of paragraph (2) of Article 5 of the 1997 Order.”.

Amendment of regulation 164

20.—(1) Regulation 164 (Payment of contributions) is amended as provided by paragraphs (2) to (4).

(2) After paragraph (12) insert—

“(12A) In the case of a practitioner providing piloted services, a practitioner employed as a dental pilot scheme employee or to whom regulation 155A(1)(b) applies, the practitioner shall pay C1 contributions in respect of pensionable earnings that relate to piloted services to the employing authority that is a party to those piloted services, and that employing authority is liable to pay C3 contributions that are payable in respect of those pensionable earnings, but where the provider of the piloted service is a qualifying body, the qualifying body shall be liable to pay C3 contributions.”.

(3) In paragraph (19)(b) after “employing authority” insert “or qualifying body providing piloted services”.

(4) After paragraph 20(b) add—

“(c) “qualifying body” means—

- (i) a body corporate which, in accordance with the provisions of Part IV of the Dentists Act 1984, is entitled to carry on the business of dentistry; or
- (ii) a company which is limited by shares, all of which are legally and beneficially owned by persons falling within sub-paragraph (a), (b), (c) or (e) of paragraph (2) of Article 5 of the 1997 Order.”.